



**LINCOLN PARK PLANNING COMMISSION**  
CITY HALL – COUNCIL CHAMBERS 1355 SOUTHFIELD ROAD  
LINCOLN PARK, MICHIGAN

**July 11, 2018 at 7:00 p.m.**

**AGENDA**

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Roll Call**
- IV. Approval of Previous Minutes**
- V. Approval of Agenda**
- VI. Old Business**
  - A. Public Hearing: 3560 Fort St – Tire Mall
  - B. Site Plan Review: 3560 Fort St – Tire Mall
  - C. Special Land Use: 3560 Fort St – Tire Mall
- VII. New Business**
  - A. Site Plan Review: 1770 Fort St – Get Well Urgent Care
  - B. Exempt Parking Areas
  - C. Election of New Vice President
- VIII. Policy Review and Discussion**
  - A. Bylaws
- IX. Reports from Department and Other Boards and Commissions**
  - A. Master Plan Community Engagement Results
- X. Public Comments**
- XI. Comments from Planning Commissioners**
- XII. Adjournment**

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The City of Lincoln Park will provide necessary reasonable auxiliary aides and services, such as signers for the hearing impaired and audio tapes of printed material being considered at the meeting to individuals with disabilities at the meeting/hearing upon seven (7) days prior notice to the City of Lincoln Park. Individuals with disabilities requiring auxiliary aides or services should contact the City of Lincoln Park by writing or calling the following: The Building Department, 1355 Southfield Road, Lincoln Park MI 48146; 313-386-1800 ext. 1296

## 3563 Fort St – Tire Mall Site Plan Review

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Applicant	Fernando Lopez
Project	Tire Mall
Address	3563 Fort Street, Lincoln Park, MI 48146
Date	July 11, 2018
Request	Final Site Plan Review
Recommendation	

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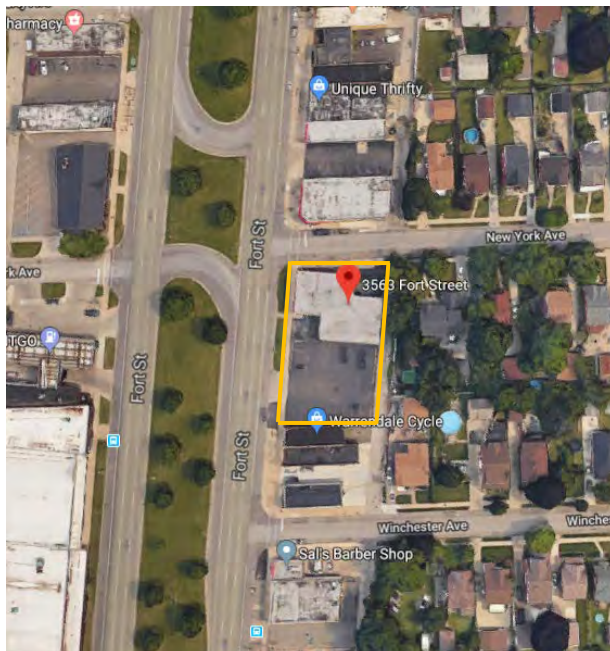
### GENERAL

*All elements of the site plan shall be designed to take into account the site's topography, the size and type of plot, the character of adjoining property, and the traffic operations of adjacent streets. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Zoning Code. The site plan shall conform with all requirements of this Zoning Code, including those of the applicable zoning district(s).*

### Project and Site Description

Figure 1: Aerial View

The applicant proposes a new tire mall business. The property would be used as a tire and auto repair shop that works on brakes, suspension, alignments, sales, and service, which fits within the definition of an Automotive Repair Station in the Lincoln Park Zoning Code. Paint, roof repair, a new sign, and new bay doors to the property are proposed.



#### *Site conditions*

The site is on the corner of heavily-transited Fort Street and New York Avenue, also adjacent to a residential zone. The property is serviced by a sidewalk on both streets. The site is 3,768 square feet; the building is on the north end of the lot and has a private parking lot on the south side of the lot.

## Master Plan

### Future Land Use Classification

The Future Land Use Map from the 2007 Comprehensive Plan shows this property is in the General Commercial Zone. The description of this zone says that “this land use category is the appropriate location for automobile-oriented uses, including drive-through restaurants, gas stations (with or without convenience stores), minor auto repair shops, and car washes” to draw in customers from outside of the City. As an automobile-oriented use, this proposal fits within the Master Plan future land use goals.

### Intent; Desirable Uses and Elements

Uses in the Municipal Business District (MBD) are “intended to provide businesses and services usually found in major business areas along major streets or regional thoroughfares or near freeway access ramps. These uses generate large volumes of vehicular traffic, require substantial access for off-street parking and loading and require detailed planning, particularly as to relationships with adjacent residential areas. The intended potential customer base for these uses is the entire Municipality, and not just the immediate residential neighborhoods.” Automobile service stations are permitted after Special Land Use approval in the MBD, subject to the additional standards in Section 1294.14, Automotive Service Stations, and Public Garages.

## Land Use and Zoning

### Zoning

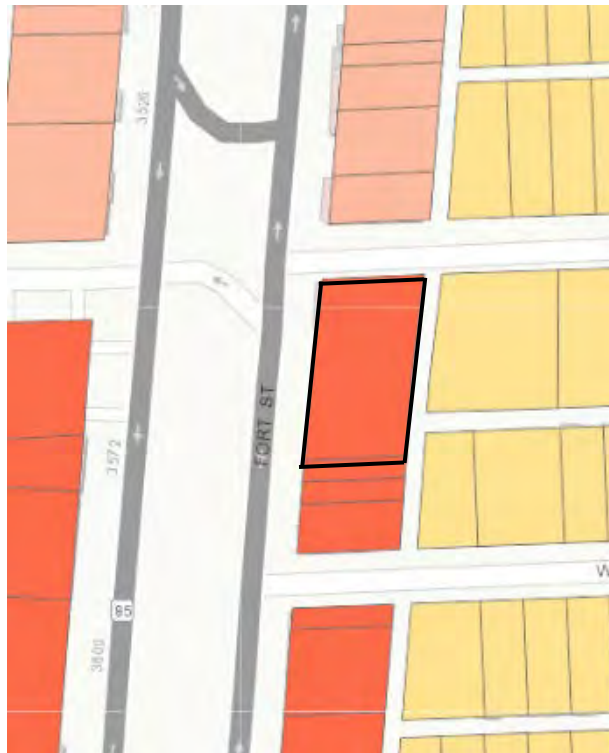


Figure 3: Zoning Map

The site is zoned Municipal Business District. Automotive

### Proposed and Existing Uses

Site	Tire Mall, Municipal Business District
North	Commercial, Neighborhood Business District
East	Residential, Single-Family Residential
South	Commercial, Municipal Business District
West	Commercial, Municipal Business District

Dimensional Standards

The dimensional requirements of the MBD district are described in the chart below. (§1294.32, except where noted.)

	Required	Provided	Compliance
Lot Width	40 ft	69 ft	Met
Street Frontage (§1294.09)	Shrubbery and low retaining walls 2 ½' < height < 8'	None within triangle	Met
Lot Area	4,000 sq ft	~14,670 sq ft	Met
Lot Coverage	50%	4,762/14,670= 32%	Met
Height	2 stories; 25 ft	1 story; 18 ft	Met
Setback – Front	0 ft	0 ft.	Met
Setback – Sides	0 ft	85 ft south/ 1 ft north	Met
Setback – Rear	0 ft	0 ft	Met


Items to be addressed

None

**BUILDING DESIGN**

*The building design shall relate to the surrounding environment in regard to texture, scale, mass, proportion, and color. High standards of construction and quality materials will be incorporated into the new development. In addition to following design guidelines adopted in specific district or sub-area plans, the building design shall meet the requirements of Section 1296.04, Standards for Architecture and Building Materials.*

Required	Compliance
<ul style="list-style-type: none"> <li>Building mass, height, bulk and width-to-height ratio within 50-150% of buildings within 500'</li> </ul>	Met

Required	Compliance
<ul style="list-style-type: none"> <li>Architectural variety</li> <li>Similar materials and entrances to buildings within 500'</li> </ul> 	Met
<ul style="list-style-type: none"> <li>Building materials: primarily natural products conveying permanence (brick, decorative masonry block, stone, or beveled wood siding) = 75% of each façade (industrial districts, 50% if facing ROW) <b>9% brick</b></li> <li>25% may be glass, exterior insulation finish systems (EIFS), vinyl, aluminum, or steel siding; or similar synthetic or highly-reflective materials (industrial districts not facing public streets or freeways, these and pre-cast concrete or plain masonry block) <b>45% metal siding; 46% EIFS</b></li> <li>Natural colors (bright for decorative features only)</li> </ul>	<b>Not met</b>
<ul style="list-style-type: none"> <li>Façade: &lt;100' uninterrupted</li> <li>If &gt;100' = recesses, off-sets, angular forms, arches, colonnades, columns, pilasters, detailed trim, brick bands, contrasting courses of material, cornices or porches</li> <li>All sides similar</li> </ul>	Met
<ul style="list-style-type: none"> <li>Windows: vertical, recessed, visually-obvious sills</li> <li>Spaces between windows = columns, mullions, or material found elsewhere on the façade</li> <li>Front facades &gt; 25% windows <b>22.5%</b></li> <li>Size, shape, orientation, spacing to match buildings within 500'</li> </ul>	<b>Not met</b>
<ul style="list-style-type: none"> <li>Main entrances: doors larger</li> <li>Framing devices (overhangs, recesses, peaked roof forms, porches, arches, canopies, parapets, awnings, display windows, accent colors, tile work, moldings, pedestrian-scale lighting, distinctive door pulls) <b>Door opening is 6'x10' and has transom</b></li> </ul>	Met
<ul style="list-style-type: none"> <li>Pitched / shingled roof forms suggested; overhanging eaves with slope of 0.5 to 1</li> <li>Rooflines &gt;100' = roof forms, parapets, cornice lines</li> <li>Roof-top mechanical equipment screened by roof form.</li> </ul>	Met

Items to be addressed

- *Exterior building materials do not meet the specifications: 9% is constructed of primarily natural products (75% required), and 91% is constructed of EIFS and metal siding (25% max). All other building facades are made of brick, suggesting that the EIFS and siding may be the result of façade coverings. Applicant shall document investigation into compliance with the ordinance standards and propose an elevation that more substantially meets the letter and intent of this section.*

- *22.5% of the first-story façade (defined as 0'-12' above grade) is comprised of window (25%) required. Applicant shall increase window façade coverage to meet standard or shall document inability to do so.*

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## **PRESERVATION OF SIGNIFICANT NATURAL FEATURES**

*Judicious effort shall be used to preserve the integrity of the land, existing topography, and natural, historical, and architectural features as deemed in this Zoning Code, in particular flood hazard areas and wetlands designated/regulated by the Michigan Department of Environmental Quality, and, to a lesser extent, flood hazard areas and wetlands which are not regulated by the Department.*

There are no significant natural features to preserve.

### **Items to be addressed**

*None*

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## **SIDEWALKS, PEDESTRIAN AND BICYCLE CIRCULATION**

*The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets and sidewalks/ pedestrian or bicycle pathways in the area. There shall be provided a pedestrian circulation system which is separated from the vehicular circulation system. In order to ensure public safety, special pedestrian measures, such as crosswalks, crossing signals and other such facilities may be required in the vicinity of primary and secondary schools, playgrounds, local shopping areas, fast food/ service restaurants and other uses which generate a considerable amount of pedestrian or bicycle traffic.*

The property is serviced by sidewalks along New York Avenue and Fort Street. A crosswalk connects the property to the following block north of the site along Fort Street. There is only one access point to the site on Fort Street, which reduces the instances where pedestrians would come into contact with drivers. There are no bicycle lanes on either street. The site plan proposes a 5' concrete walk from the grass median (between Fort Street and the sidewalk) to the front door.

The site has been reviewed by the City Engineer, with the following comments: *There was ponding water and broken sidewalk on the southern end of the property. This is a safety hazard and needs to be replaced. I have attached photos of the sidewalk and the ponding water. In this same area between the sidewalk and the curb, the asphalt has severe spider cracking. This should be replaced due to its condition and it may also be causing the water to pond on the sidewalk. There are also several pieces of broken sidewalk around the property that is unsafe and in need of repair.*

### **Items to be addressed**

- *Ponding water and broken sidewalk on the southern end of the property shall be replaced*
- *Asphalt between sidewalk and curb to be replaced (landscaping proposed)*
- *Sidewalks shall be brought up to City standards where cracked or deteriorated*

**PARKING**

*The number and dimensions of off-street parking [spaces] shall be sufficient to meet the minimum required by this Zoning Code. However, where warranted by overlapping or shared parking arrangements, the Planning Commission may reduce the required number of parking spaces, as provided in this Zoning Code.*

Use	Required	Proposed	Compliance
Automotive repair center	One (1) for each employee = 4	=2	<b>Met with waiver</b>
	One (1) for the owner and/or manager =1 <b>number not provided</b>	=1	
	Two (2) for each service bay =8	=8	
	Total =13	Total = 11	

	Required	Proposed	Compliance
<b>Parking Area Type B</b> §1290.05	Adequate means of ingress and egress shall be provided and shown		Met
	Parking facilities, access drives, and maneuvering aisles shall be hard surfaced with concrete or plant-mixed bituminous material, maintained in a usable dustproof condition and graded and drained appropriately	Asphalt pavement	Met
	Concrete curbs and gutters		Met
	When adjoining residential property and/or a residential street or alley: 6’ solid masonry wall, ornamental on both sides, with bumper guards	Detail not provided	<b>Met, pending detail</b>
	All street boundaries of such parking facilities, where residential property is located on the opposite side of the street, shall be treated the same as set forth in Section 1290.04, Off-Street Parking A Areas; Residential Districts Adjoining Business or Industrial Districts.		Not applicable
	Entrance only from the adjoining principal use or adjoining alley; no use of street for backing or maneuvering		Met
	In all cases where such parking facilities abut public sidewalks, a wall or curb at least six (6) inches high, or steel posts twenty-four (24) to thirty (30) inches high and not more than five (5) feet apart, set three (3) feet in concrete, shall be placed thereon so that a motor vehicle cannot be driven or parked with any part thereof extending within two (2) feet of a public sidewalk.		It appears that parking spaces #10 and #11 abut a public sidewalk

The site has been reviewed by the City of Engineer, with the following comments. Photos are available:

*There isn't any proposed parking lot improvement shown on the plans; however, the existing parking lot shows some signs of cracking and separation. Overall the parking lot ranges from fair heading on poor condition with a lot of spider cracking. There is an area near the entrance doors, in the parking area, that should be patched immediately. It is holding water and will be a slipping hazard. There was some patchwork done on the parking lot but all of the spider cracks are a concern. If these items do not get addressed in the very near future, the parking lot will need to be completely reconstructed within a couple years. It is highly recommended that the applicant get immediate recommendations from an asphalt contractor; otherwise, it will be too late, a complete reconstruction will be needed, and detention may be triggered – costing a lot of money. The contractor may say it can be milled and capped right now and save \$10s of thousands of dollars in the near future. As the City is addressing parking lots that need repairs citywide, it will be cited for blight if it is in poor condition.*

*The drive approach is low and holding water. This could be a safety hazard. The water in the approach could freeze causing a vehicle to slide into traffic on Fort Street or someone could slip and fall. The drive approach should be replaced.*

**Items to be addressed**

- Planning commission waiver requested to provide 11 parking spaces instead of 13*
- Applicant shall provide solid masonry wall detail*
- Where parking spaces abut the sidewalk, applicant to provide a wall or curb at least six (6) inches high, or steel posts twenty-four (24) to thirty (30) inches high and not more than five (5) feet apart, set three (3) feet in concrete*
- Slipping hazard near entrance shall be patched immediately*
- Applicant shall get immediate recommendations from an asphalt contractor to address spider cracking and separation*
- Drive approach shall be replaced*

**BARRIER-FREE ACCESS**

*The site has been designed to provide barrier-free parking and pedestrian circulation.*

Required Spaces	Required Barrier-Free Spaces	Proposed Barrier-Free Spaces	Compliance
Between 1 to 25 spaces	1	1	Met

**Items to be addressed**

None



**LOADING**

All loading and unloading areas and outside storage areas, including refuse storage stations, shall be screened in accordance with this Zoning Code.

Gross Floor Area	Loading Spaces – Required	Loading Spaces – Provided	Compliance
4,762 sq ft	1	0	Not met

**Items to be addressed**

- Applicant to designate one 10’ X 50’ loading space

**ACCESS, DRIVEWAYS, AND VEHICULAR CIRCULATION**

Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets, parking and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points. All driveways shall meet the design and construction standards of the City. Access to the site shall be designed to minimize conflicts with traffic on adjacent streets, particularly left turns into and from the site. For uses having frontage and/or access on a major traffic route, as defined in the City of Lincoln Park Comprehensive Development Plan, the number, design, and location of access driveways and other provisions for vehicular circulation shall comply with the provisions of Section 1290.10, Access Management Standards.

Required	Provided	Compliance
<ul style="list-style-type: none"> <li>• Single two-way driveway or pair of one-way driveways</li> <li>• Two-way: 25’ &lt; throat width &lt; 30’ (face to face of curb). One-way paired: each 20’ measured perpendicularly. May be separated by 10’ median; sidewalks shall be continued or maintained</li> <li>• 25’ radii; 30’ radii where daily truck traffic expected</li> </ul> <p><b>Not provided</b></p> <ul style="list-style-type: none"> <li>• Corner lots: one access point per street with &gt;100’ frontage</li> <li>• If frontage &gt;300’ and documented need (ITE), may allow additional access with design restrictions</li> <li>• If frontage &gt;600’, max of 3 drives may be allowed; one with design restrictions</li> </ul>	<p>Single two-way driveway that is 30’ in width</p> <p>Applicant to document the angle at which the approach meets the street</p>	Met

Required	Provided	Compliance
<ul style="list-style-type: none"> <li>Shared access: driveways along property lines, connecting parking lots, on-site frontage roads, rear service drives. Encouraged and may be required for sites within 1/4 mile of major intersections; having dual frontage; with &lt;300' frontage; with sight distance problems; along congested or accident-prone roadway segments</li> <li>Connection to adjacent facilities may be required; site accommodation may be required for future connection to undeveloped adjacent property</li> <li>Letters of agreement or access easements required</li> </ul>	The property does not have a shared access parking lot.	Not applicable
<ul style="list-style-type: none"> <li>Triangular unobstructed view areas: from corner of two ROWs, 25' along each; from corner of ROW and driveway, 10' along driveway and 5' along ROW</li> <li>Grass / groundcover only in 3' strip abutting driveway and ROW</li> <li>Trees permitted if trimmed between 30" and 6' from ground level.</li> </ul>	.	Met
<ul style="list-style-type: none"> <li>May require drive to be located on the far side of the property from congested intersections</li> <li>&gt;150' from signalized intersection or 4-way stop, or right-turn-only at 75' from intersection</li> <li>&gt;100' otherwise</li> <li>&gt;200' from centerline of I-75 access ramps</li> </ul>		Not applicable
<ul style="list-style-type: none"> <li>Same side of street: Driveway spacing determined by speed limits in §1290.10</li> <li>Across the street: Driveways directly aligned or &gt;150' offset (excludes right-turn-only)</li> <li>Directional driveways, divided driveways, and deceleration tapers and/or by-pass lanes may be required by the Planning Commission where they will reduce congestion and accident potential</li> </ul>	Speed limit is 45mph=230 ft spacing between driveways	Met

**Items to be addressed**

- Applicant to show curb radius on proposed new drive approach

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**EMERGENCY VEHICLE ACCESS**

*All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the Fire Department and Police Department.*

Fire access is provided via both ROWs, the alley behind the building, and the parking lot. The Lincoln Park Police Department has reviewed the plan and stated no objection to the plan moving forward.

Items to be addressed

None

**STREETS**

All streets shall be developed in accordance with the City of Lincoln Park Subdivision Control Ordinance and construction standards, unless developed as a private road in accordance with the requirements of the City.

No new streets are proposed.

Items to be addressed

None

**LANDSCAPING, SCREENING, AND OPEN SPACE**

The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Zoning Code. Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. Landscaping, landscape buffers, greenbelts, fencing, walls and other protective barriers shall be provided and designed in accordance with the provisions of Section 1296.03, Landscaping Standards. Recreation and open space areas shall be provided in all multiple-family residential and educational developments.

	Required	Proposed	Compliance
Street Landscaping	Greenbelt, 10' width minimum with groundcover	A trapezoidal greenbelt is proposed along New York which ranges from 3 to 13 feet wide. The greenbelt along the Fort St St. ROW along is 12 feet.	Met
	1 tree and 4 shrubs per 40' of street frontage 160' total = 4 trees and 16 shrubs	4 trees and 16 shrubs	Met
	Where headlights from parked vehicles will shine into the ROW, may require a totally obscuring hedge	It appears that parking spaces #10 and #11 abut a public sidewalk	Not met
Interior Landscaping	10% of total lot area landscaped, including groundcover (14,670 sf *0.1) = 1,467 sf landscaping	No interior landscaping proposed; planning commission waiver sought under Special Provisions for Existing Sites	Met with waiver
	Interior landscaping to be grouped near entrances, foundations, walkways, service areas		Not applicable

	Required	Proposed	Compliance
	1 tree per 400 sf of required landscaping and 1 shrub per 250 sf of required landscaping 1,467 sf = 4 trees and 6 shrubs	2 trees and 9 shrubs are provided and considered equivalent; placement is in ROW due to existing conditions	Met
Parking Lot	1 deciduous or ornamental tree per 10 parking spaces 1 tree	No trees proposed in the parking lot; priority with the landscaping waiver is for street and buffer landscaping	<b>Met with waiver</b>
	100 sf of planting area per tree		Not Applicable
Screening	Waste receptacle: Decorative masonry wall of at least 6' with solid or impervious gate	The existing dumpster enclosure is shown on the map, but no detail has been provided.	<b>Met, pending detail</b>
	Abutting residential: greenbelt, 15' with 5' evergreens (PC may waive); solid 6' masonry wall ornamental on both sides	No additional plant material is proposed on the eastside where the property abuts a residential zone, PC waiver sought for greenbelt and evergreen screen	<b>Met with waiver, pending detail</b>

The 30% waiver from Section 1296.03c1-2 was applied to all of the calculations above to reduce the landscaping requirements for the applicant, with priority given to landscaping along the streets and as a buffer between uses over parking lot and site landscaping.

**Items to be addressed**

- ❑ *Planning commission waiver requested per 1296.03.c, Special Provisions for Existing Sites, to accept the proposed landscaping plan as satisfying the minimum upgrade to at least 30% of the landscaping required for new developments.*
- ❑ *Planning Commission waiver requested per 1294.28, Screening, to provide only the wall between residential use and the business or industrial use.*
- ❑ *Applicant to address headlights shining in ROW from parking spaces #10 and #11; may be resolved by landscaping placement in ROW greenbelt but must be documented as such*
- ❑ *Where parking spaces abut the sidewalk, applicant to provide a wall or curb at least six (6) inches high, or steel posts twenty-four (24) to thirty (30) inches high and not more than five (5) feet apart, set three (3) feet in concrete*
- ❑ *Applicant to provide detailed drawing of decorative masonry for waste receptacle*
- ❑ *Applicant to provide detailed drawing of solid 6' masonry screening wall, ornamental on both sides*

## SOIL EROSION CONTROL

*The site shall have adequate lateral support so as to ensure that there will be no erosion of soil or other material. The final determination as to adequacy of, or need for, lateral support shall be made by the Building Superintendent or City Engineer.*

Soil erosion measures are under the jurisdiction of Wayne County and shall comply with the applicable standards.

### Items to be addressed

- Applicant to comply with soil erosion control measures and permits as issued by Wayne County*
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## UTILITIES

*Public water and sewer facilities shall be available or shall be provided for by the developer as part of the site development, where such systems are available.*

The site is served by public water and sewer. The Lincoln Park Department of Public Services has reviewed the proposal, with the following comments: *Applicant requested to check the storm CBs in the parking lot and alley to ascertain their structural integrity, water tightness, and pipework from the parking lot to the CB in the alley.*

The site plan has been reviewed by the City Engineer, with the following comments: *Based on the site plan submitted, all existing utilities and leads are being reused. It is important that the developer realize these existing utilities are very old and may have reached their life expectancy. It is our strong recommendation for the developer to at least videotape the existing sewer lead to determine its condition prior to performing any new renovation on the building. If the service lead needs to be replaced, the installation of the new service will need to be inspected by our office. The developer should verify with the City the existing sanitary service type and size. If it is undersized for the proposed building use it must be placed. The developer's engineer or architect shall determine the sanitary service lead capacity.*

*The developer should verify with the City the existing water service type and size. If it is a lead service or if the service is undersized for the proposed building use, it should be placed. The developer's engineer or architect shall determine the water service lead capacity.*

*The water shutoff on the north side of the building needs to be lowered.*

### Items to be addressed

- Applicant to check the storm CBs in the parking lot and alley to ascertain their structural integrity, water tightness, and pipework from the parking lot to the CB in the alley.*
- Applicant to videotape the existing sewer lead to determine its condition prior to performing any new renovation on the building; If the service lead needs to be replaced, the installation of the new service shall be inspected by City engineer*
- Applicant shall verify with the City the existing sanitary service type and size; shall determine the sanitary service lead capacity; and shall replace if it is undersized for the proposed use*

- *Applicant shall verify with the City the existing water service type and size; shall determine the water service lead capacity; and shall replace if it is a lead service or if the service is undersized for the proposed use*
- *The water shutoff on the north side of the building shall be lowered.*

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## STORMWATER MANAGEMENT

*Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater which complements the natural drainage patterns and wetlands, prevent erosion and the formation of dust. Sharing of stormwater facilities with adjacent properties shall be encouraged. The use of detention/ retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water.*

Stormwater may be under the purview of Wayne County; applicant to work with City Engineer to determine the appropriate permitting process.

### Items to be addressed

- *Applicant to work with City Engineer to review stormwater system to determine the appropriate permitting process*

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## LIGHTING

*Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.*

### §1290.05(i) Off-Street Parking

All illumination for such parking facilities shall be deflected away from residential areas and shall be installed in such manner as to allow the reduction of the amount of light after normal parking hours each day. All parking lot lighting shall be designed, located, and shielded to prevent glare onto adjacent properties, and shall be arranged to prevent adverse effects on motorist visibility on adjacent rights-of-way. The source of illumination shall not be more than twenty-five (25) feet above the parking surface.

### §1294.31(g) Performance Standards

Within five-hundred (500) feet of a residentially zoned area, bare bulbs which are visible in the residential area may not exceed fifteen (15) watts. Exterior lighting shall be so installed that the surface of the source of light shall not be visible from the nearest residential district boundary and it shall be so arranged to reflect light away from any residential use. In no case shall more than one (1) foot-candle power of light cross a lot line five (5) feet above the ground. In no case shall more than ten (10) foot-candle power of light exist at any given point on site. Illumination levels shall be measured with a foot-candle meter or sensitive photometer and expressed in foot-candles. Exterior spot lighting or other illumination shall be so installed as to eliminate any nuisance to adjoining Business and Industrial Districts or the creation of a traffic hazard on public highways.

Applicant proposed to retain existing lighting fixtures. All face the interior of the site and are downward-directed.

Items to be addressed

None

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**NOISE**

*The site has been designed, buildings so arranged, and activities/equipment programmed to minimize the emission of noise, particularly for sites adjacent to residential districts.*

The proposed use may create noise levels that are disruptive to the adjacent residential zones. Please use the table below as the noise standard for your business.

<b>Octave Band (cycles per second) (H2)</b>	<b><u>Day</u></b>	<b><u>Night</u></b>
00 to 74	76	70
75 to 149	70	62
150 to 299	64	56
300 to 599	57	49
600 to 1,199	51	44
1,200 to 2,399	45	39
2,400 to 4,799	38	33
4,800 and above	36	31

Items to be addressed

None

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**MECHANICAL EQUIPMENT**

*Mechanical equipment, both roof and ground mounted, shall be screened in accordance with the requirements of this Zoning Code.*

No roof-mounted equipment is visible from the ROW

Items to be addressed

None

## SIGNS

*The standards of the City's Sign Code are met.*

Signs are reviewed and permitted by the City of Lincoln Park Building Department. Signs shown in the site plan are for illustrative purposes, and site plan approval does not constitute sign approval.

### Items to be addressed

- Applicant to submit a sign plan to the City of Lincoln Park Building Department and secure all required sign permits*

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## HAZARDOUS MATERIALS OR WASTE

*For businesses utilizing, storing or handling hazardous material such as automobile service and automobile repair stations, dry cleaning plants, metal plating industries, and other industrial uses, documentation of compliance with state and federal requirements shall be provided.*

### 1296.01 Site Plan Review

#### Site plan approval criteria

S. Hazardous materials or waste. For businesses utilizing, storing or handling hazardous material such as automobile service and automobile repair stations, dry cleaning plants, metal plating industries, and other industrial uses, **documentation of compliance with state and federal requirements shall be provided.**

### 1296.01 Information concerning utilities, drainage, and related issues

H. Listing of types and quantities of hazardous substances and polluting materials which will be used or stored on-site at the facility in quantities greater than twenty-five gallons per month.

I. Areas to be used for the storage, use, loading/unloading, recycling, or disposal of hazardous substances and polluting materials, including interior and exterior area.

### Items to be addressed

- Applicant to provide documentation showing compliance with state and federal requirements for hazardous materials.*

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## SITE DESIGN STANDARDS FOR USES PERMITTED AFTER SPECIAL APPROVAL

*All applicable standards for uses permitted after special approval are met.*

### 1294.14: Automotive Service Stations, Repair Centers, and Public Garages



(a) Purposes. In order to regulate and control the problems of noise, odor, light, fumes, vibration, dust, danger of fire and explosion and traffic congestion, which result from the unrestricted and unregulated construction and operation of automotive service stations and automotive repair centers, and to regulate and control the adverse effects which these and other problems incidental to automotive service stations and repair centers may exercise upon adjacent and surrounding areas, the following regulations and requirements are provided for automotive service stations and repair centers located in any zone. All automotive service stations and repair centers erected after the effective date of this Zoning Code shall comply with this section. No automotive service station or repair center existing on the effective date of this Zoning Code shall be structurally altered so as to provide a lesser degree of conformity with this section than existed on the effective date of this Zoning Code.

Requirement	Proposed	Compliance
Frontage along the principal street of not less than one-hundred- fifty (150) feet Minimum area of fifteen-thousand (15,000) square feet.	160 feet  15,078 square feet	Met
> 40' from any street lot line >15' from any side or rear lot line directly adjoining a residentially zoned district (may be constructed on property line if abutting an alley) >5000' from existing automotive fueling station, service station or repair center (outermost boundaries of the lot )	<b>0 feet from street lot line</b> >16 feet from residentially zoned rear lot line  <b>~480 feet to the nearest automotive repair center (Muffler Man)</b>	<b>Not met</b>
Driveways < 30' feet wide at the property line 1 curb opening along any street Driveway / curb opening > 20' to any corner or exterior line (along the property line) Driveway > 30' to any other driveway (along the property line) 6" concrete curb along all street lot lines	30' 1 curb cut on Fort 110' from corner  60' to next driveway Curb is existing	Met
Entire lot hard surfaced (concrete or plant-mixed bituminous material) Landscaped area separated from all paved areas by 6" concrete curb	Covered by asphalt	Met
All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits enclosed entirely within a building All gasoline / fuel pumps > 15' from any lot line Pumps arranged so that motor vehicles shall not overhang any public sidewalk, street or right of way.	None shown outside building  No pumps proposed	Met

Requirement	Proposed	Compliance
<p>Lot 15,000 sf: 4 double gasoline / fuel pumps or 8 single gasoline / fuel pumps and 2 enclosed stalls for servicing Additional 2 gasoline / fuel pumps and/or 1 enclosed stall may be included with each additional 2,000 sf of lot area.</p>	<p>No pumps proposed</p>	<p>Not applicable</p>
<p>Where adjoining residential district: 6' solid, ornamental, masonry wall erected and maintained along the interior (or alley) lot line All trash areas, used tires, automotive parts, other items enclosed on all sides by 6' masonry wall constructed of the same materials as main or principal building, faced with brick, decorative block, or pre-cast concrete (decorative pattern, painted in the same color scheme) Masonry walls protected by a fixed curb or vehicle barrier Masonry wall may be required by the Building Superintendent where adjoining a nonresidential use, such as a professional office building, clinic or day nursery, or a landscaped area of any other nonresidential use Walls may be stepped down within 25' of street right-of-way line.</p>	<p>Wall proposed; see Landscaping  Enclosure proposed, see Landscaping; detail to be submitted  Detail to be submitted</p>	<p><b>Met, pending detail</b></p>
<p>Exterior lighting, including illuminated signs, hooded or shielded away from neighboring property</p>	<p>See Lighting</p>	
<p>&gt;200 from school, playground, church, hospital or other such use where large numbers of people congregate (measured from property line)</p>	<p>No such establishments are within a 200' radius</p>	<p>Met</p>
<p>All repair work conducted completely within enclosed building; no storage of parts, trash, supplies or equipment outside of a building. Outdoor vehicle and trailer storage / parking prohibited between 10:00 p.m. and 7:00 a.m. Exceptions: private passenger automobiles, equipment rental operations (see ordinance for details)</p>	<p>No outside storage shown</p>	<p>Met</p>

Requirement	Proposed	Compliance
If use abandoned or terminated > 1 year, all underground gasoline storage tanks shall be removed from the premises.	No USTs known	Met

(n) Waiver or Modification of Standards for Special Situations. In cases where an applicant is proposing to open a new automotive service station or repair center on a site that was previously a non-conforming service station, the Planning Commission may reduce or waive the minimum area, frontage, or setback standards, provided they determine that no good purpose would be served by upholding the minimum standards. In making such a determination to reduce or waive the requirements for the minimum area, frontage, or setbacks, the following may be considered:

- (1) Extent that the proposed site can effectively accommodate and control the problems of noise, odor, light, fumes, vibration, dust, danger of fire and explosion, and traffic congestion associated with automatic service stations and repair centers.

*Noise, odor, light, fumes, vibration, dust, danger of fire and explosion, and traffic congestion are not expected to increase significantly as a result of the proposed development. No data has been supplied by the applicant documenting any of these effects.*

- (2) Extent that the proposed site can operate as an automotive service station or repair center without negatively impacting traffic safety or adjacent uses.

*The intensity of the use is not sufficient to suggest negative traffic impacts. The adjoining residential use will be buffered by the installation of a 6' masonry wall. The only adjoining commercial use is a computer servicing business, which is separated from the automotive use by a parking lot and is not expected to be negatively impacted by the proposed use.*

- (3) Existing and proposed building placement.

*The existing building meets all setback requirements except a 40' front setback. Such setbacks are typically instituted to provide a spatial buffer between the dust, noise, fumes, vibrations, etc. of the automotive use. In this case, the setback is from Fort Street, a heavily-traveled State highway which produces its own dust, noise, fumes, vibrations, and other impacts, and therefore protecting it by enforcing this setback may not serve any purpose.*

- (4) On-site traffic circulation.

*On-site traffic circulation is typical of any commercial establishment.*

- (5) Proximity to residential uses.

*The site plan meets the required setback from an adjacent residential use, and a new 6' masonry wall will be installed as a buffer.*

- (6) Visual impacts.

*The proposed landscaping improves the site's visual impact by removing inappropriate asphalt from two sections of the public ROW and replacing them with vegetation.*

Site was previously a non-conforming service station. It meets all of the criteria for an Automotive Repair Facility except two setbacks: the building is closer than 40' to the front lot line (0' existing building setback), and closer than 5,000' to another Automotive Repair Facility (~480' to Muffler Man). The comments above represent the staff assessment of the circumstances under consideration. Additional commentary is expected from the applicant.

The purpose of the zoning district has been included at the top of this section so that the Planning Commission may determine whether "no good purpose is served by upholding the minimum standards."

#### Items to be addressed

- Planning Commission requested to waive 5,000' setback requirement from other auto-related businesses
- Planning Commission requested to waive 40' setback requirement from ROW

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#### OTHER AGENCY REVIEWS

The applicant has provided documentation of compliance with other appropriate agency review standards, including, but not limited to, the Michigan Department of Natural Resources, Michigan Department of Environmental Quality, Michigan Department of Transportation, Wayne County Drain Commission, Wayne County Health Department, and other federal and state agencies, as applicable.

Other relevant agencies will review the site plan to determine the need for further revisions, permits, or necessary standards.

#### Items to be addressed

None

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#### VARIANCES

No variances are requested at this time.

#### Items to be addressed

None

## RECOMMENDATIONS

### Findings

The proposed site plan substantially complies with §1296.01, Site Plan Review, with the following conditions and waivers.

### Conditions

- *Exterior building materials do not meet the specifications: 9% is constructed of primarily natural products (75% required), and 91% is constructed of EIFS and metal siding (25% max). All other building facades are made of brick, suggesting that the EIFS and siding may be the result of façade coverings. Applicant shall document investigation into compliance with the ordinance standards and propose an elevation that more substantially meets the letter and intent of this section.*
- *22.5% of the first-story façade (defined as 0'-12' above grade) is comprised of window (25%) required. Applicant shall increase window façade coverage to meet standard or shall document inability to do so.*
- *Drive approach replacement to be shown on site plan, and shall include curb radii*
- *Applicant to designate one 10' X 50' loading space*
- *Applicant to address headlights shining in ROW from parking spaces #10 and #11; may be resolved by landscaping placement in ROW greenbelt but must be documented as such*
- *Where parking spaces abut the sidewalk, applicant to provide a wall or curb at least six (6) inches high, or steel posts twenty-four (24) to thirty (30) inches high and not more than five (5) feet apart, set three (3) feet in concrete*
- *Applicant to provide detailed drawing of decorative masonry for waste receptacle*
- *Applicant to provide detailed drawing of solid 6' masonry screening wall, ornamental on both sides*
- *The water shutoff on the north side of the building shall be lowered.*
- *Asphalt between sidewalk and curb to be replaced (landscaping proposed)*
- *Ponding water and broken sidewalk on the southern end of the property shall be replaced*
- *Slipping hazard near entrance shall be patched immediately*
- *Sidewalks shall be brought up to City standards where cracked or deteriorated*
- *Applicant shall get immediate recommendations from an asphalt contractor to address spider cracking and separation*
- *Applicant to check the storm CBs in the parking lot and alley to ascertain their structural integrity, water tightness, and pipework from the parking lot to the CB in the alley.*
- *Applicant to videotape the existing sewer lead to determine its condition prior to performing any new renovation on the building; If the service lead needs to be replaced, the installation of the new service shall be inspected by City engineer*
- *Applicant shall verify with the City the existing sanitary service type and size; shall determine the sanitary service lead capacity; and shall replace if it is undersized for the proposed use*

- *Applicant shall verify with the City the existing water service type and size; shall determine the water service lead capacity; and shall replace if it is a lead service or if the service is undersized for the proposed use*
- *Applicant to work with City Engineer to review stormwater system to determine the appropriate permitting process*
- *Applicant to submit a sign plan to the City of Lincoln Park Building Department and secure all required sign permits*
- *Applicant to comply with soil erosion control measures and permits as issued by Wayne County*
- *Applicant to provide documentation showing compliance with state and federal requirements for hazardous materials.*

### Waivers

- *Planning Commission requested to waive 5,000' setback requirement from other auto-related businesses*
- *Planning Commission requested to waive 40' setback requirement from ROW*
- *Planning Commission waiver requested to provide 11 parking spaces instead of 13*
- *Planning Commission waiver requested per 1296.03.c, Special Provisions for Existing Sites, to accept the proposed landscaping plan as satisfying the minimum upgrade to at least 30% of the landscaping required for new developments.*
- *Planning Commission waiver requested per 1294.28, Screening, to provide only the wall between residential use and the business or industrial use.*

### Recommendation

It is recommended that the Lincoln Park Planning Commission approve the site plan for 3563 Fort St – Tire Mall, contingent upon the successful resolution of the conditions herein, and only after an affirmative decision to waive the two setback requirements of §1294.14 which are not met by this proposal.

3563 Fort St – Tire Mall  
**Special Land Use Review**

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<b>Applicant</b>	Fernando Lopez
<b>Project</b>	Tire Mall
<b>Address</b>	3563 Fort Street, Lincoln Park, MI 48146
<b>Date</b>	July 11, 2018
<b>Request</b>	Special Land Use Approval
<b>Recommendation</b>	<b>Approve</b>

---

**REQUEST**

The applicant proposes a new tire mall business. The property would be used as a tire and auto repair shop that works on brakes, suspension, alignments, sales, and service, which fits within the definition of an Automotive Repair Station in the Lincoln Park Zoning Code.

**CRITERIA FOR REVIEW**

The following conditions are all required to be met before a Special Land Use approval may be granted:

- 1) The special use will promote the use of land in a socially and economically desirable manner for persons who will use the proposed land use or activity, for landowners and residents who are adjacent thereto and for the City as a whole;  
*This condition is met*
- 2) The special use is compatible and in accordance with the goals, objectives and policies of the City's Comprehensive Development Plan;  
*This condition is met*
- 3) The special use is necessary for the public convenience at that location;  
*This condition is met*
- 4) The special use is compatible with adjacent uses of land, and can be constructed, operated and maintained so as to continue to be compatible with the existing or intended character of the general vicinity and so as not to change the essential character of the area in which it is proposed;  
*This condition is met*

- 5) The special use is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;  
*This condition is met*
- 6) The special use can be adequately served by public services and facilities without diminishing or adversely affecting public services and facilities to existing land uses in the area;  
*This condition is met*
- 7) The special use will not cause injury to the value of other property in the neighborhood in which it is to be located;  
*This condition is met*
- 8) The special use will protect the natural environment, help conserve natural resources and energy, and will not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to the natural environment, public health, safety or welfare by reason of excessive production of traffic, noise, smoke, odors or other such nuisance;  
*This condition is met*
- 9) The special use is within the provisions of uses requiring special approval as set forth in the various zoning districts herein, is in harmony with the purposes and conforms to the applicable regulations of the zoning district in which it is to be located, and meets applicable site design standards for use in Section 1296.02; and  
*This condition is met*
- 10) The special use is related to the valid exercise of the City's police power and purposes which are affected by the proposed use or activity.  
*This condition is met*

## RECOMMENDATION

It is recommended that the Lincoln Park Planning Commission approve a special land use for an Automotive Repair Station at the above-referenced address.



## Leah DuMouchel

---

**From:** John Kozuh <JKozuh@citylp.com>  
**Sent:** Monday, June 25, 2018 7:56 AM  
**To:** Leah DuMouchel  
**Subject:** RE: Request for Review: 3563 Fort St

Leah: Can we request the proposed new occupant check the storm cb's in both the parking lot and alley to ascertain their structural integrity, water tightness, and the pipe work from parking lot to the cb in the alley?

John Kozuh  
DPS Director  
City of Lincoln Park

---

**From:** Leah DuMouchel [mailto:ldumouchel@bria2.com]  
**Sent:** Friday, June 22, 2018 4:17 PM  
**To:** Fire Chief <FChief@citylp.com>; Irenda Lockhart <ILockhart@citylp.com>; Robert Wright <RWright@citylp.com>; Ray Watters <RWatters@citylp.com>; Krystina Erdos <KErdos@citylp.com>; John Kozuh <JKozuh@citylp.com>; jdhollandsworth@hengineers.com  
**Subject:** Request for Review: 3563 Fort St

Hello! The Lincoln Park Planning Commission requests your review of a site plan for a proposed Tire Mall at 3563 Fort St. The site plan is attached, and can also be downloaded here: [3563 Fort – Tire Mall Site Plan Application](#). If you prefer a hard copy, they are available at the Building Department. Please forward your comments to me by **Wednesday, June 27**. Thank you for all you do!

Leah DuMouchel, AICP  
Senior Associate

### **Beckett&Raeder, Inc.**

*Making Great Places for over 50 Years*

535 West William St Suite 101  
Ann Arbor, MI  
734.663.2622

Direct Line: 734.239.6616

Petoskey, MI 231.347.2523  
Traverse City, MI 231.933.8400  
Toledo, OH 419.242.3428

Please visit us at [www.bria2.com](http://www.bria2.com)

## Leah DuMouchel

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**From:** Ray Watters <RWatters@citylp.com>  
**Sent:** Monday, June 25, 2018 12:35 PM  
**To:** Leah DuMouchel  
**Subject:** RE: Request for Review: 3563 Fort St

Leah

The police department has no issues with the Tire Mall moving forward.

Chief R. Watters

---

**From:** Leah DuMouchel [mailto:ldumouchel@bria2.com]  
**Sent:** Friday, June 22, 2018 4:17 PM  
**To:** Fire Chief; Irenda Lockhart; Robert Wright; Ray Watters; Krystina Erdos; John Kozuh; jdhollandsworth@engineers.com  
**Subject:** Request for Review: 3563 Fort St

Hello! The Lincoln Park Planning Commission requests your review of a site plan for a proposed Tire Mall at 3563 Fort St. The site plan is attached, and can also be downloaded here: [3563 Fort – Tire Mall Site Plan Application](#). If you prefer a hard copy, they are available at the Building Department. Please forward your comments to me by **Wednesday, June 27**. Thank you for all you do!

Leah DuMouchel, AICP  
Senior Associate

### **Beckett&Raeder, Inc.**

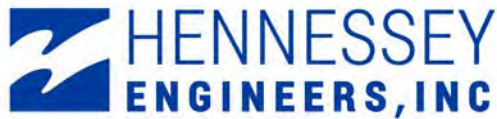
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Please visit us at [www.bria2.com](http://www.bria2.com)



June 27, 2018

Ms. Leah DuMouchel, AICP  
Beckett & Raeder, Inc.  
535 West William St. Suite 101  
Ann Arbor, MI, 48103-4978

**Re: The Tiremall Tire Shop  
3563 Fort Street  
City of Lincoln Park, MI  
Hennessey Project 72104**

Dear Ms. DuMouchel:

Hennessey Engineers, Inc., completed our first review of the Preliminary Plan based on the plan submittal date of June 6, 2018, and received via email from you.

The proposed development is a conversion of an existing commercial development to a new tire shop. The water and sewer services are existing and will be reused.

Listed below are some comments which should be addressed in the Preliminary Plan approval but would not be grounds for a reason for denial from an engineering feasibility standpoint:

**GENERAL**

1. Overall the parking lot ranges from fair heading on poor condition with a lot of spider cracking. There is an area near the entrance doors, in the parking area that should be patched immediately. I have attached photos of the ponding water. It is holding water and will be a slipping hazard. There was some patchwork done on the parking lot but I am concerned about all of the spider cracks. If these items do not get addressed in the very near future the parking lot it will need to be completely reconstructed within a couple years. I would highly recommend that they have an asphalt contractor immediately give them some recommendations, otherwise it will be too late and they will need a complete reconstruction which could trigger detention and it will cost them a lot of money. The contractor may tell them it can be milled and capped right now and save \$10s of thousands of dollars in the near future. The City is cracking down on city wide parking lots that need repairs. If the parking lots are in poor condition they will be sited for blight.
2. The drive approach is low and holding water. This could be a safety hazard. The water in the approach could freeze causing a vehicle to slide into traffic on Fort Street or someone could slip and fall. The drive approach should be replaced. I have attached photos of the drive approach and ponding water.
3. There was ponding water and broken sidewalk on the southern end of the property. This is a safety hazard and needs to be replaced. I have attached photos of the sidewalk and the ponding water. In this same area between the sidewalk and the curb, the asphalt has sever spider cracking. This should be replaced due to its condition and it may also be causing the water to pond on the sidewalk.

4. There are also several pieces of broken sidewalk around the property that is unsafe and in need of repair.
5. Based on the site plan submitted, all existing utilities and leads are being reused. It is important that the developer realize these existing utilities are very old and may have reached their life expectancy. It is our strong recommendation for the developer to at least videotape the existing sewer lead to determine its condition prior to performing any new renovation on the building. If the service lead needs to be replaced, the installation of the new service will need to be inspected by our office. The developer should verify with the City the existing sanitary service type and size. If it is undersized for the proposed building use it must be replaced. The developer's engineer or architect shall determine the sanitary service lead capacity.
6. The developer should verify with the City the existing water service type and size. If it is a lead service or if the service is undersized for the proposed building use, it should be replaced. The developer's engineer or architect shall determine the water service lead capacity.
7. There isn't any proposed parking lot improvement shown on the plans however, the existing parking lot shows some signs of cracking and separation. The concrete sidewalks must be brought up to City Standards. Any broken or cracked sidewalks in the Fort Street Right of Way and onsite must be repaired.
8. The water shutoff on the north side of the building needs to be lowered.
9. All of the plan sheets MUST be sealed and the cover sheet MUST be signed and sealed by a professional engineer, surveyor or architect licensed in Michigan.

If the site plan meets all other Planning Commission requirements the Planning Commission could approved the Preliminary Plan contingent upon them being submitted signed and sealed by a professional engineer, surveyor or architect licensed in Michigan. From an engineering feasibility our office does not have any issues with the approval of the Preliminary Site Plan submittal. Therefore, from the engineering feasibility review it would be our recommendation for the "**approval**" of the Preliminary Site Plan. If there will not be any utility or other site improvements we will not need to perform a detailed engineering review.

If you have any questions, please do not hesitate to contact me.

Sincerely,

**HENNESSEY ENGINEERS, INC**



James D. Hollandsworth, P.E., P.S.  
Lincoln Park Project Manager  
JDH/bd

cc: John Kozuh, DPW Director, City of Lincoln Park  
John J. Hennessey, P.E., Hennessey Engineers, Inc.  
Ryan Kern, P.E., Hennessey Engineers, Inc.  
B.3

The Tire Mall Review Letter 6-27-18







**PROJECT:**  
**TIREMALL TIRE SHOP**

**LOCATION:**  
**3563 FORT ST**  
**LINCOLN PARK, MI**

PROJECT:

TIREMALL

LOCATION:

3563 FORT ST  
LINCOLN PARK, MI  
48146

ARCHITECT/ENGINEER

SITE DATA

Drawing Index



835 MASON  
DEARBORN, MI 48124  
PH:(313)582-0022  
FAX:(313)582-0028

OWNER/APPLICANT

SITE DATA :

GOVERNING CODE: MICHIGAN BUILDING CODE 2015 AND  
CITY OF LINCOLN PARK ZONING ORDINANCE  
USE GROUP: S: STORAGE  
PROPOSED BUILDING USE: TIRE SHOP

AREA OF PROPERTY =15078 sq. ft. =0.34 ACRES  
EXISTING BUILDING AREA (GROUND COVERS) = 3786 sq. ft.  
AREA USAGE: 3786/15078 =0.25 =25% < 50%, MAX. ALLOWED

1- ZONING: MBD MUNICIPAL BUSINESS DISTRICT

2- BUILDING HEIGHT:  
MAXIMUM =25'  
EXISTING =18'-0"

3- LOT COVERAGE:  
MAXIMUM = 50% EXISTING =25%

4- SETBACK REQUIREMENTS:  
FRONT: REQUIRED: NONE EXISTING = 0'  
SIDE: REQUIRED: NONE EXISTING: 3'/ 75'  
REAR: REQUIRED: NONE EXISTING: 0'

5- PARKING REQUIREMENTS

2 SPACES PER SERVICE STALL PLUS 1 SPACE PER EACH EMPLOYEE , AND ONE SPACE FOR ,MANAGER/ OWNER  
4 SERVICE STALL AVAILABLE NEEDS 4X2= 2 SPACES PLUS 2 SPACE PER EMPLOYEE, AND 1 FOE OWNER  
8 + 1 +2 = 11 SPACES REQUIRED  
12 SPACES PROPOSED INCLUDING 1 HANDICAPPED

6- LEGAL DESCRIPTION

KC1951A TO 1956A 2048A KD675A LOTS 1951 TO 1956 EXC THE WLY 17.11 FT THEREOF ALSO LOT 2048EXC THE WLY 17.11 FT THEREOF OF EMMONS ORCHARD SUBDN NO 2 L 41 P88 ALSO LOTS 675 AND 676 EXC THE WLY 17.11 THEREOF OF EMMONS ORCHARD SUBDN NO 1 L41 P81 EMMONS ORCHARD SUB NO. 2 PC 48 L41 P88 WCR

SHEET

TITLE

-

COVER SHEET

SP-1

SITE PLAN, LANDSCAPE PLAN, TOPOGRAPHIC SURVEY

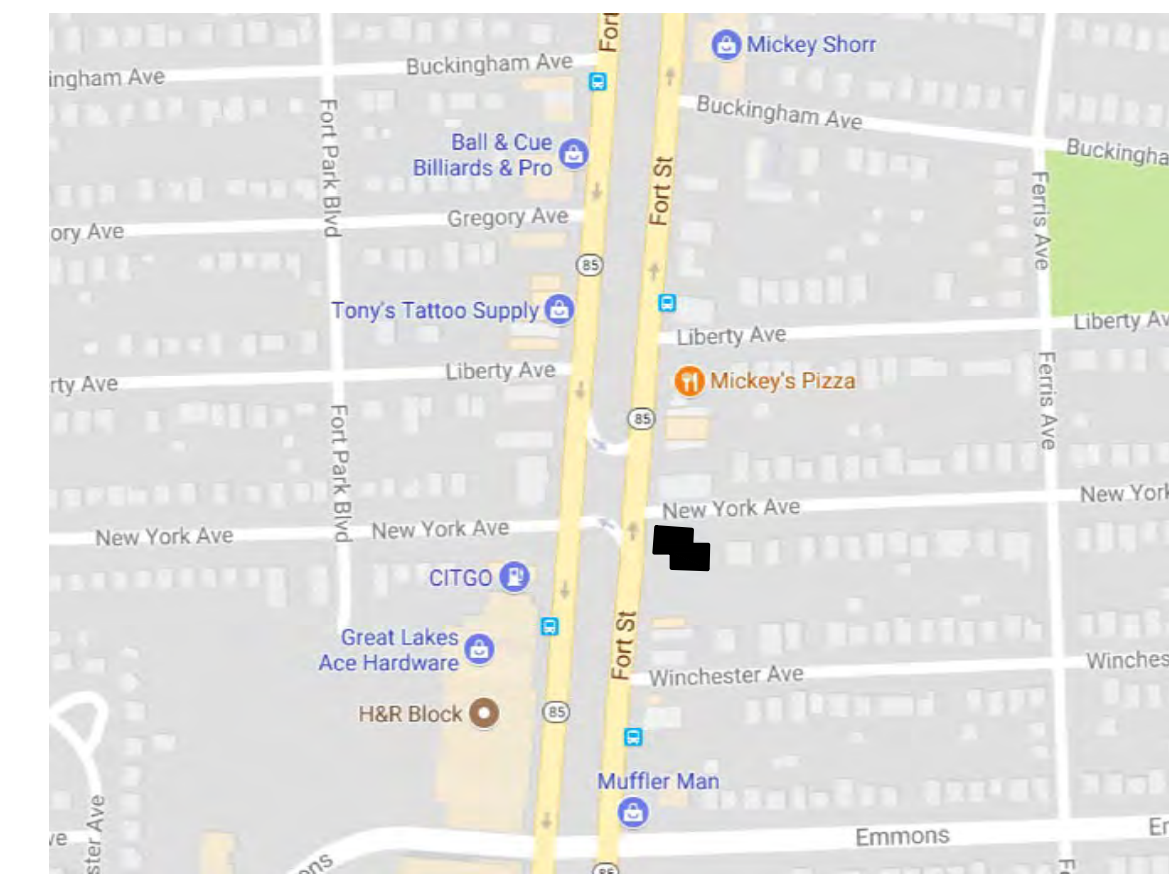
A-1

FLOOR PLAN, ELEVATIONS

DATE: 06/06/18

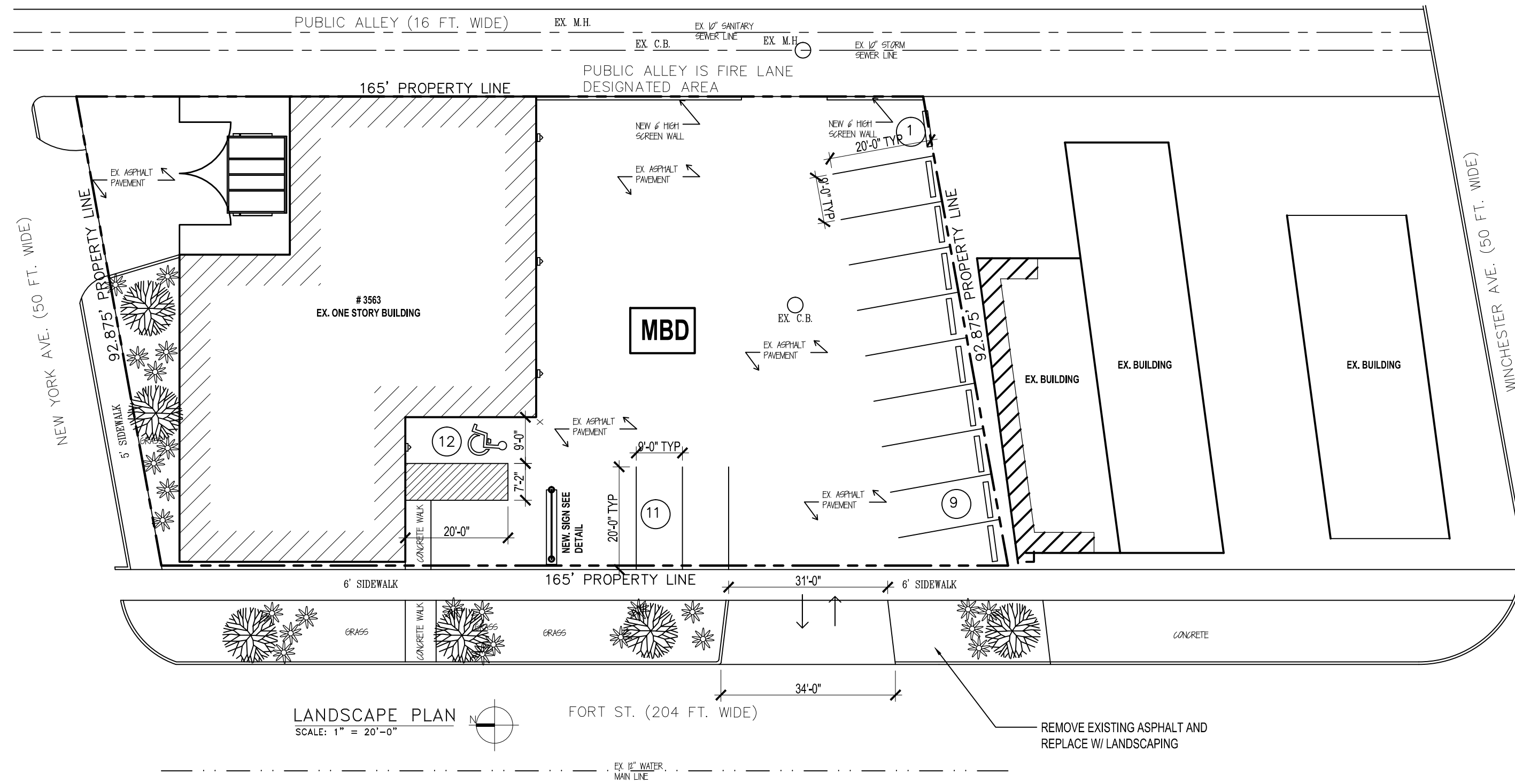
COVER SHEET





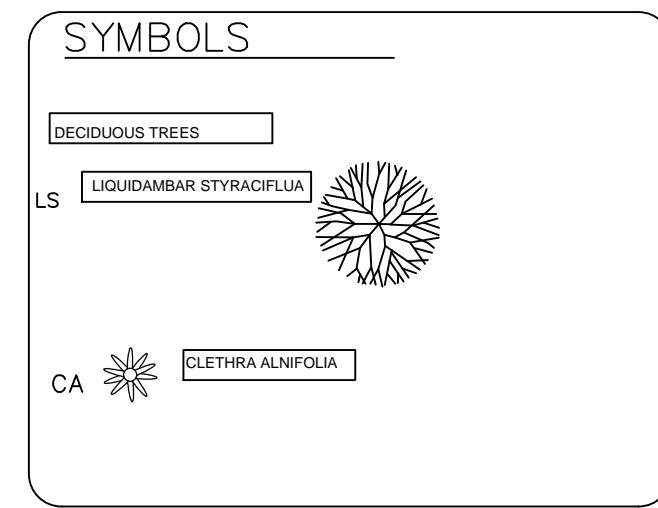
**PROJECT:**  
TIRE SHOP

**LOCATION:**  
3563 FORT ST.  
LINCOLN PARK, MI 48146



**PLANTING SCHEDULE**

KEY	BOTANICAL/COMMON NAME	SIZE	ROOT	REMARKS	QUAN.
<b>DECIDUOUS TREES</b>					
LS	LIQUIDAMBAR STYRACIFLUA				6
TOTAL					6
<b>SHRUBS</b>					
CA	CLETHRA ALNIFOLIA				25
TOTAL					25



**LANDSCAPE REQUIREMENTS:**

- 1- GREENBELT LANDSCAPE
- 2- ALONG FORT
- 3- 1 DECIDUOUS TREE PER 40 LINEAR FT. OF STREET FRONTAGE
- 4- 165/40 = 4
- 5- 4 SHRUBS PER 40 LINEAR FT. OF STREET FRONTAGE
- 6- 165/40 = 4
- 7- ALONG NEW YORK
- 8- 92/40 = 2
- 9- 92/40 = 2

**SITE DATA :**

**GOVERNING CODE:** MICHIGAN BUILDING CODE 2015 AND CITY OF LINCOLN PARK ZONING ORDINANCE

**USE GROUP:** S: STORAGE

**PROPOSED BUILDING USE:** TIRE SHOP

**AREA OF PROPERTY =** 15078 sq. ft. = 0.34 ACRES  
**EXISTING BUILDING AREA (GROUND COVERS) =** 3786 sq. ft.  
**AREA USAGE:** 3786/15078 = 0.25 = 25% < 50%, MAX. ALLOWED

**1- ZONING:** MBD MUNICIPAL BUSINESS DISTRICT

**2- BUILDING HEIGHT:** MAXIMUM = 25' EXISTING = 18'-0"

**3- LOT COVERAGE:** MAXIMUM = 50% EXISTING = 25%

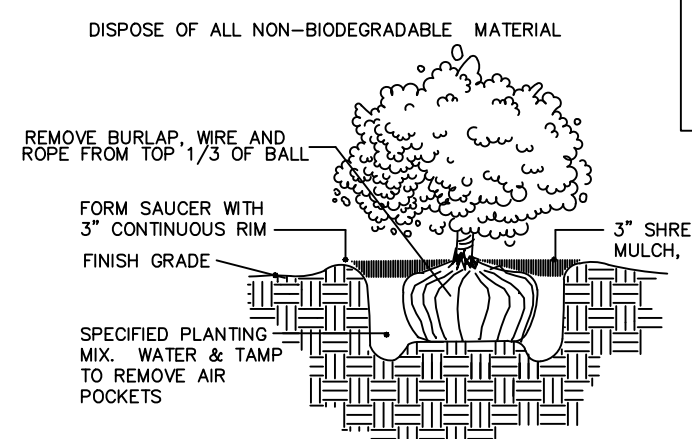
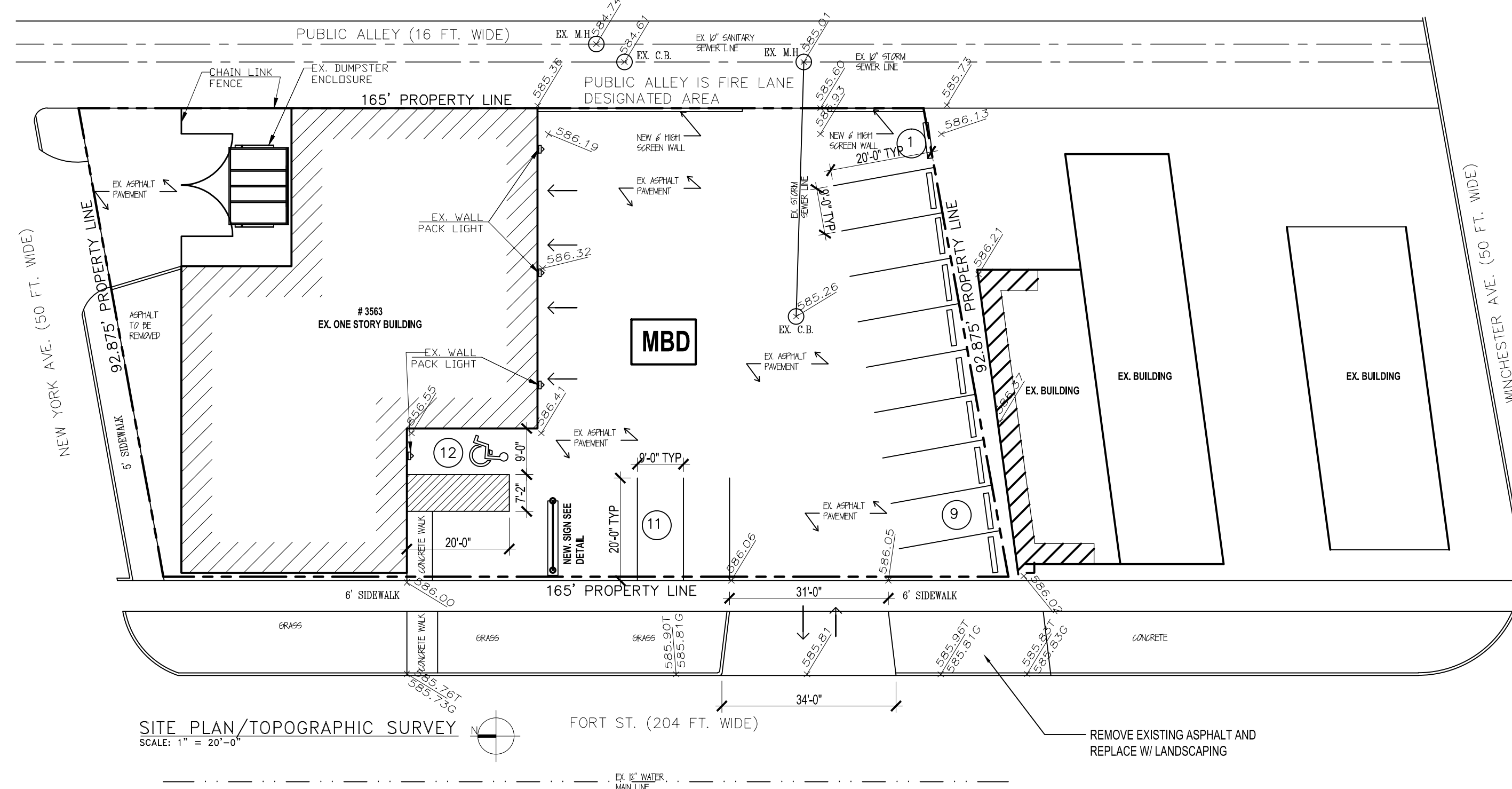
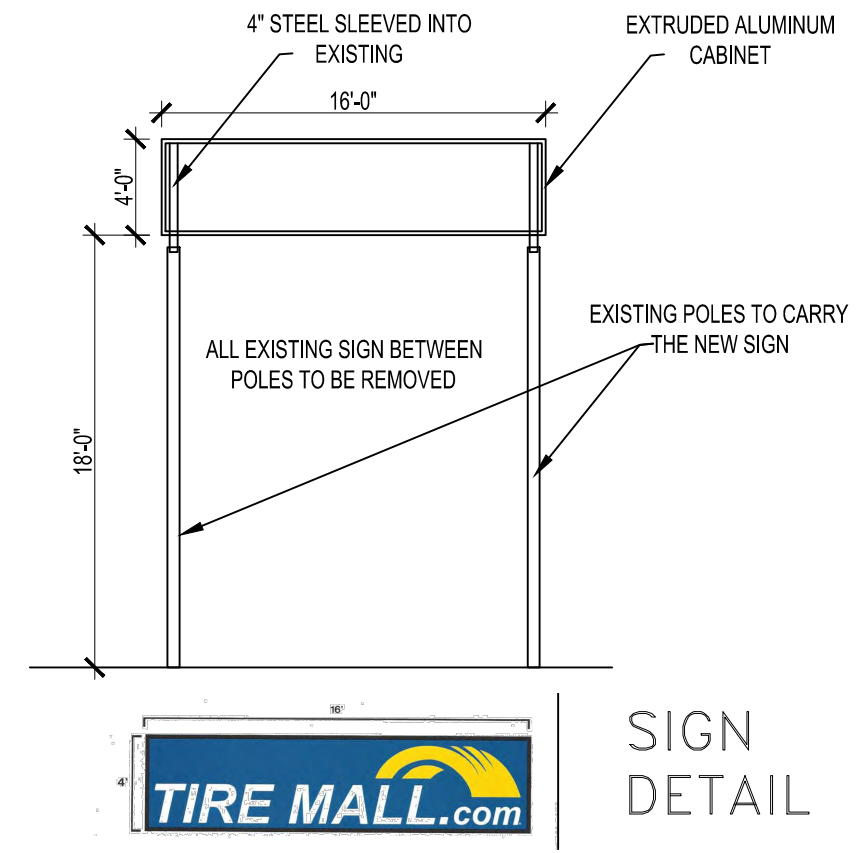
**4- SETBACK REQUIREMENTS:**  
FRONT: REQUIRED: NONE EXISTING = 0'  
SIDE: REQUIRED: NONE EXISTING: 3' / 75'  
REAR: REQUIRED: NONE EXISTING: 0'

**5- PARKING REQUIREMENTS**

2 SPACES PER SERVICE STALL PLUS 1 SPACE PER EACH EMPLOYEE, AND ONE SPACE FOR MANAGER/ OWNER  
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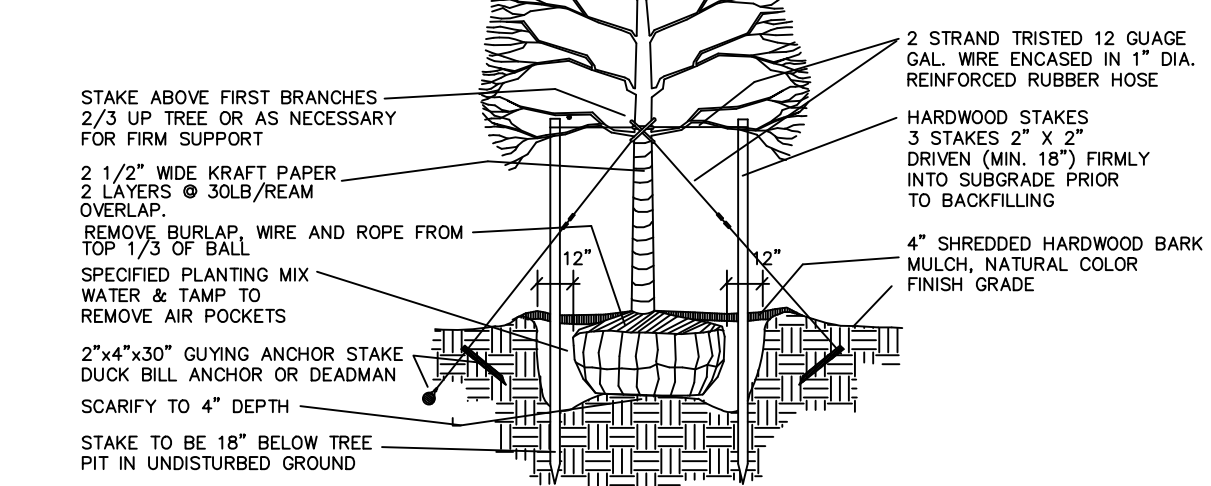
**SHRUB PLANTING DETAIL**

SCALE: NOT TO SCALE

DISPOSE OF ALL NON-BIODEGRADABLE MATERIAL

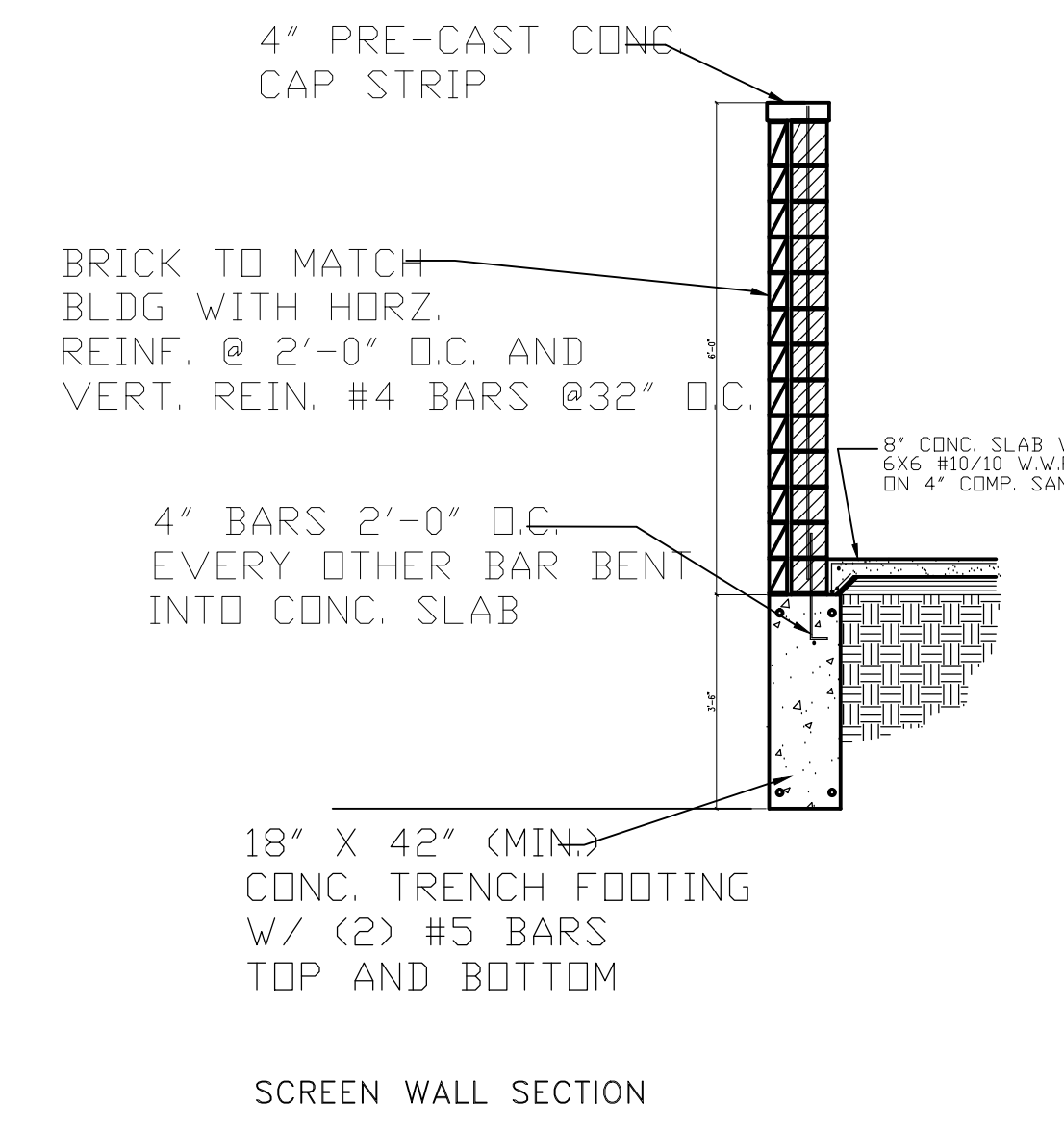
NEVER CUT LEADER

NOTE: STAKE TREES UNDER 3" CAL. GUY TREES 3" CAL. AND OVER



**DECIDUOUS TREE PLANTING**

SCALE: NOT TO SCALE



**SCREEN WALL SECTION**

**A & M CONSULTANTS**

835 MASON ST.  
SUITE B 290,  
DEARBORN, MI 48126  
PH:(313) 582-0022  
FAX:(313) 582-0028

**DRAWN BY:**  
EA, J.A

**APPROVED BY:**  
ADNAN AL-SAATI

**SUBMITTALS**

**REVISIONS:**  
05/04/2018

**PROJECT NO**

**DATE**  
06/06/18

**SCALE**  
NOTED

**SHEET TITLE**

- SITE PLAN / TOPOGRAPHIC SURVEY  
- LANDSCAPE PLAN

**SP-1**

**SEAL**

**SITE DATA :**

GOVERNING CODE: MICHIGAN BUILDING CODE 2015 AND CITY OF LINCOLN PARK ZONING ORDINANCE  
 USE GROUP: S: STORAGE  
 PROPOSED BUILDING USE: TIRE SHOP  
 AREA OF PROPERTY =15078 sq. ft. =0.34 ACRES  
 EXISTING BUILDING AREA (GROUND COVERS) = 3786 sq. ft.  
 AREA USAGE: 3786/15078 =0.25 =25% < 50%, MAX. ALLOWED

- 1- ZONING: **MBD** MUNICIPAL BUSINESS DISTRICT
- 2- BUILDING HEIGHT: MAXIMUM =25' EXISTING =18'-0"
- 3- LOT COVERAGE: MAXIMUM = 50% EXISTING =25%
- 4- SETBACK REQUIREMENTS:  
 FRONT: REQUIRED: NONE EXISTING = 0'  
 SIDE: REQUIRED: NONE EXISTING: 3' / 75'  
 REAR: REQUIRED: NONE EXISTING: 0'

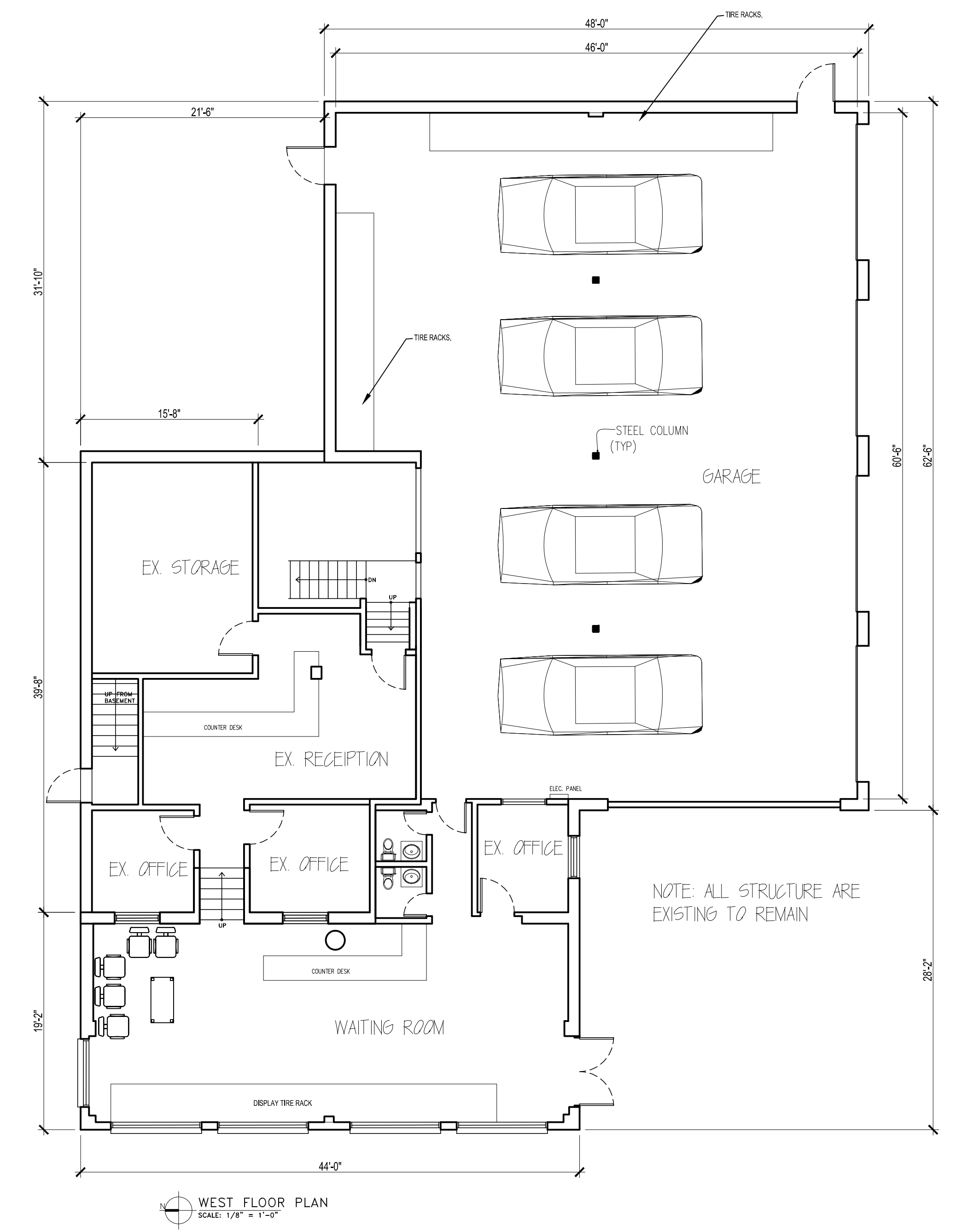
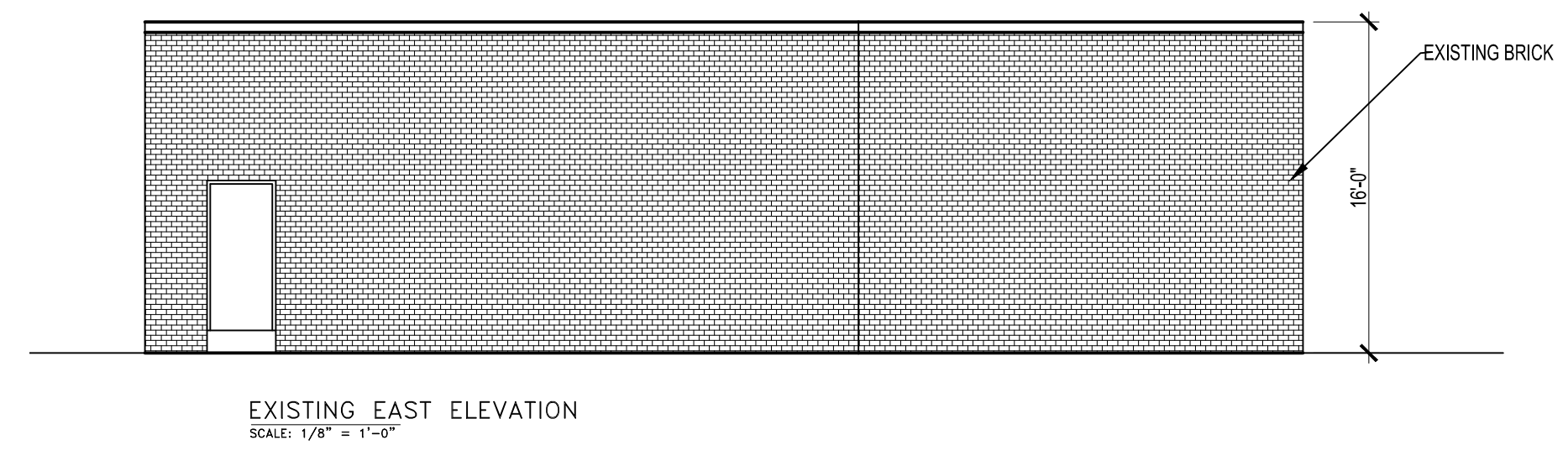
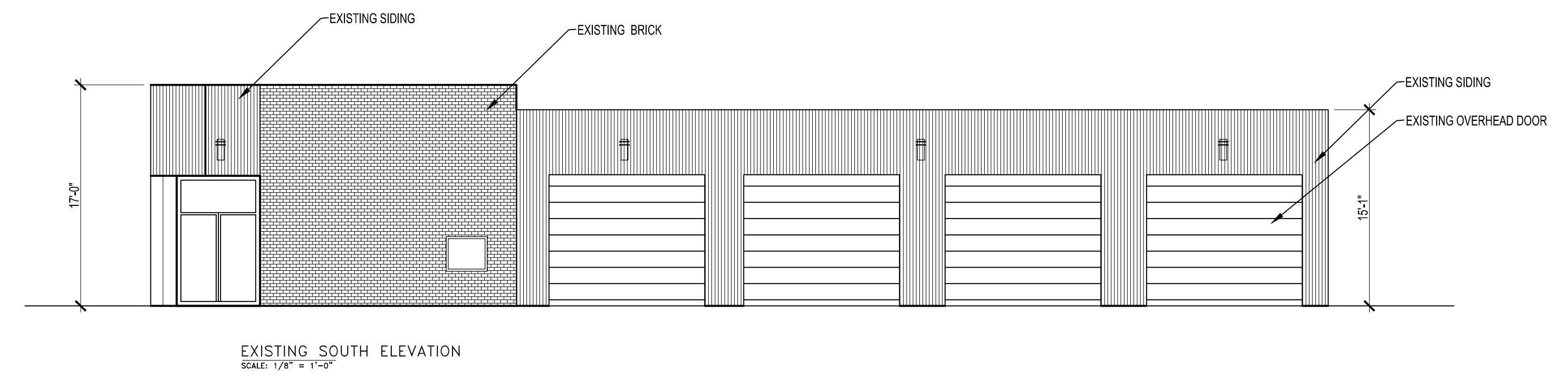
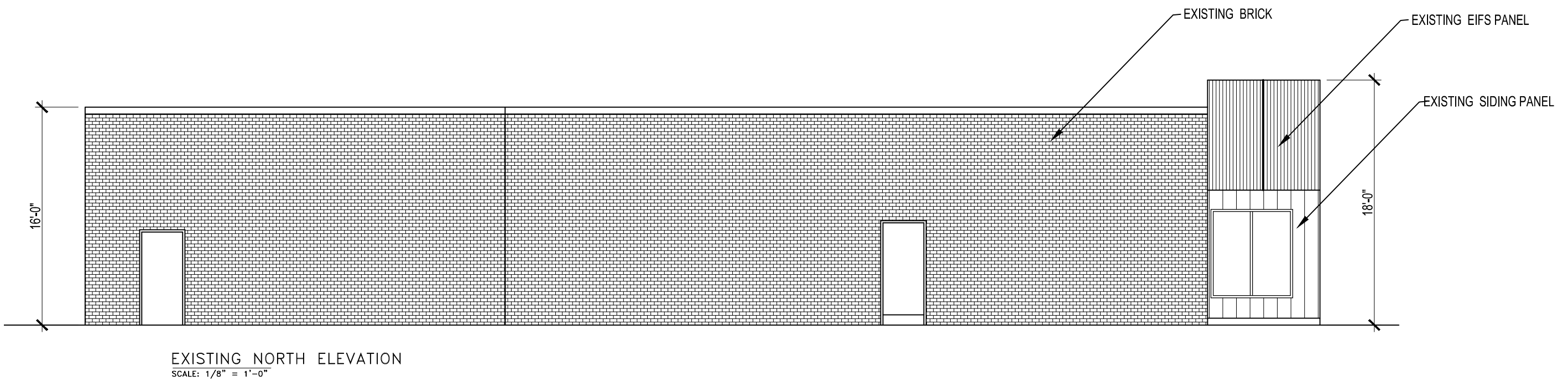
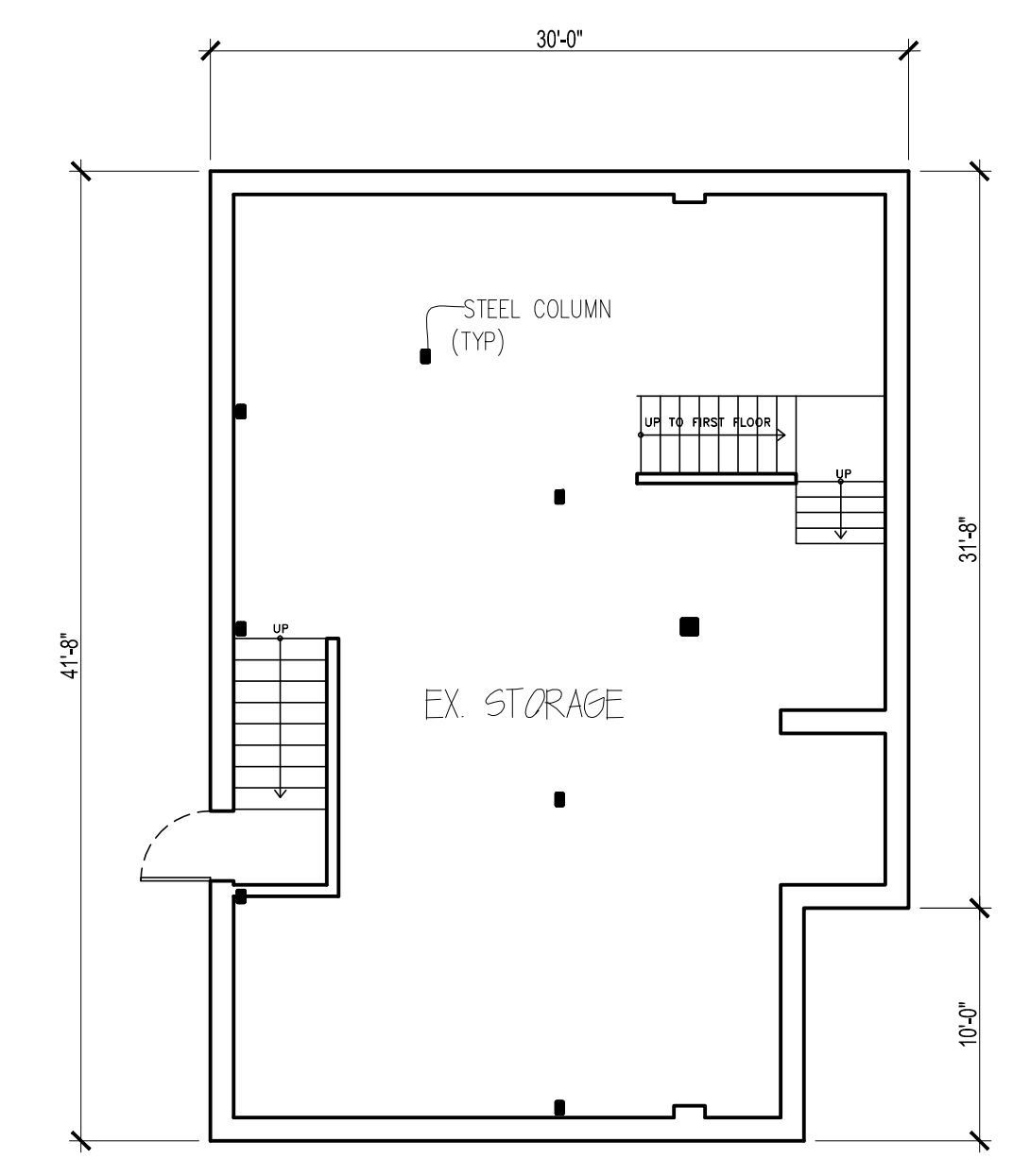
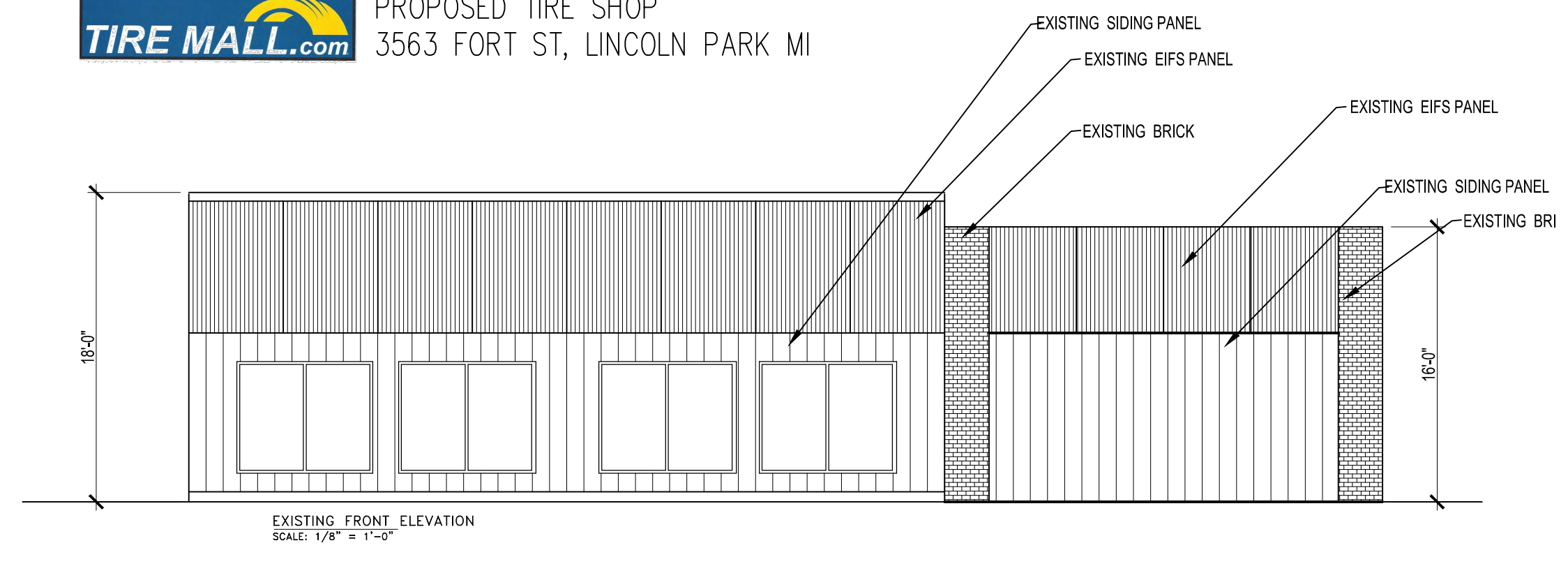
**5- PARKING REQUIREMENTS**

2 SPACES PER SERVICE STALL PLUS 1 SPACE PER EACH EMPLOYEE , AND ONE SPACE FOR ,MANAGER/ OWNER  
 4 SERVICE STALL AVAILABLE NEEDS 4X2= 2 SPACES PLUS 2 SPACE PER EMPLOYEE, AND 1 FOE OWNER  
 8 + 1 +2 = 11 SPACES REQUIRED  
 12 SPACES PROPOSED INCLUDING 1 HANDICAPPED

**6- LEGAL DESCRIPTION**

KC1951A TO 1956A 2048A KD675A LOTS 1951 TO 1956 EXC THE WLY 17.11 FT THEREOF ALSO LOT 2048EXC THE WLY 17.11 FT THEREOF OF EMMONS ORCHARD SUBDN NO 2 L 41 P88 ALSO LOTS 675 AND 676 EXC THE WYL 17.11 THEREOF OF EMMONS ORCHARD SUBDN NO 1 L41 P81 EMMONS ORCHARD SUB NO. 2 PC 48 L41 P88 WCR

**TIRE MALL.com** PROPOSED TIRE SHOP  
 3563 FORT ST, LINCOLN PARK MI



**PROJECT:**  
TIRE SHOP

**LOCATION:**  
3563 FORT ST.  
LINCOLN PARK, MI 48146

**A & M CONSULTANTS**

835 MASON ST.  
SUITE B 290,  
DEARBORN, MI 48126  
PH:(313) 582-0022  
FAX:(313) 582-0028

**DRAWN BY:**  
EA, J.A

**APPROVED BY:**  
ADNAN AL-SAATI

**SUBMITTALS**

<b>REVISIONS:</b> 05/04/2018
<b>PROJECT NO</b>
<b>DATE</b> 06/06/18
<b>SCALE</b> NOTED
<b>SHEET TITLE</b> ELEVATION, FLOOR PLANS,

**A-1**

**SEAL**

**From:** Fernando Lopez  
**To:** [Leah DuMouchel](mailto:Leah.DuMouchel)  
**Cc:** [jmeyers@citylp.com](mailto:jmeyers@citylp.com); [Laura Gray](mailto:Laura.Gray)  
**Subject:** RE: 3563 Fort st  
**Date:** Wednesday, June 20, 2018 6:07:19 PM

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Ms. DuMouchel, this is my response for your questions 1 thru 3. Also you have mention needing the email for my Architect here it is [[aboled@yahoo.com](mailto:aboled@yahoo.com)]

1. Upon approval, we will have the contract for people doing the job and pull Permits for the project within 8 business Days.
2. We're not stocking any chemicals over 25 gallons.
3. I'm working on this one for [[section 1294.14 of Zoning Code](#)].

---

**From:** Leah DuMouchel [<mailto:ldumouchel@bria2.com>]  
**Sent:** Tuesday, June 12, 2018 10:57 AM  
**To:** Fernando Lopez <[fernando@tiremall.com](mailto:fernando@tiremall.com)>  
**Cc:** [jmeyers@citylp.com](mailto:jmeyers@citylp.com); [Laura Gray <LGray@citylp.com>](mailto:Laura.Gray@citylp.com)  
**Subject:** RE: 3563 Fort st

Hi, Fernando! I am just now completing the check-in of your submittal. Here are my comments:

1. Please provide a proposed schedule for the project.
2. Please provide a written listing of types and quantities of hazardous substances and polluting materials which will be used or stored on-site in quantities greater than 25 gallons per month, and the areas which will be used for their storage, use, loading/unloading, recycling, or disposal.
3. I am confirming to you that I did not receive any additional documentation from you which addresses the Planning Commission's considerations for permitting an Automotive Repair facility within 5,000 feet of another Automotive Repair facility (section 1294.14 of the Zoning Code).

There is sufficient information to put your project on the agenda for the July 11 meeting, but items #1 and #2 will need to be provided before an approval letter will be issued.

The City of Lincoln Park will now review your proposal and schedule a public hearing for July 11, with all required notification. Approximately one week before the meeting, the agenda packet will be released which contains the staff report evaluating your proposal.

Please do not hesitate to contact me with additional questions!

Leah DuMouchel, AICP  
Senior Associate

**Beckett&Raeder, Inc.**  
*Making Great Places for over 50 Years*  
535 West William St Suite 101

Ann Arbor, MI  
734.663.2622

Direct Line: 734.239.6616

Petoskey, MI 231.347.2523  
Traverse City, MI 231.933.8400  
Toledo, OH 419.242.3428

Please visit us at [www.bria2.com](http://www.bria2.com)

---

**From:** Fernando Lopez <[fernando@tiremall.com](mailto:fernando@tiremall.com)>  
**Sent:** Tuesday, June 12, 2018 10:44 AM  
**To:** Leah DuMouchel <[ldumouchel@bria2.com](mailto:ldumouchel@bria2.com)>  
**Cc:** [jmeyers@citylp.com](mailto:jmeyers@citylp.com)  
**Subject:** 3563 Fort st

Ms. DuMouchel,

Goodmorning, this past Saturday I forwarded you the Plans needed for 3563 Fort St. I was hoping we make it to the July Zoning Board meeting. Let me know ...THANKS

6/28/2018

Dear Lincoln Park  
City Planning Commission

My name is Fernando Lopez. I purchased the former McCormack racing automotive repair facility located at 3563 Fort St, Lincoln Park Mi.

I obtained several inspection permits from:

Electrical Division	Feb 2018
Mechanical Division	12/12/17
Fire Inspection	3/16/18
Open roof	10/31/2017

No major repairs were needed, however in March 2018 the Bldg Dept informed me that my building is located in the "Downtown" Zoning District, and the zoning ordinance prohibits an auto repair service center to be within 5000 feet of similar occupancies. We were informed that a vehicle service center "Muffler Man" is located 3627 Fort approximately 500 feet away. We were unaware of this zoning regulation and we purchased this facility because it was previously a Vehicle Service Center for several years prior to our purchase. Unaware of this zoning regulation, we are respectfully requesting a dimensional variance from this 5000 feet distance requirement.

A recent inspection reveals the following services are offered at 3626 Fort "Muffler Man" shop:

Brakes	Air conditioning service
Oil changes	Light engine work
Suspension repairs	Truck services
Alignment service	Radiator repairs

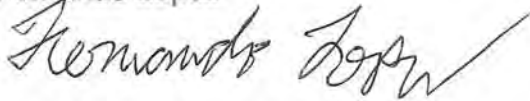
Originally it was our business plan to provide similar services. However giving the zoning ordinance regulation that requires a 5000 foot distance required for vehicle service center offering the same service we will stipulate the only services we will provide are:

Installation of tires and rims and accessory brakes and suspension services. Our primary serves will be tires and rims.

With this limited automotive service offered at 3563 Fort st. we are respectfully appealing for a variance approval.

Please feel free to contact me if you have any questions or concerns.

Fernando Lopez



cc Leah DuMouchel  
John Meyers Building official

Case No. PPC18-0003  
Date Submitted 3/21/18

City of Lincoln Park  
APPLICATION FOR SPECIAL USE APPROVAL \$500.00

**NOTICE TO APPLICANT:** Applications for Special Use review by the Planning Commission must be submitted to the City in substantially complete form at least thirty (30) days prior to the Planning Commission's meeting at which the proposal will be considered. The application must be accompanied by six (6) individual folded copies of the site plan, plus the required review fees. Regular meetings of the Planning Commission are held on the first Tuesday of each month at 7:00 p.m. All meetings are held at the Lincoln Park City Hall, 1355 Southfield Road, Lincoln Park, Michigan 48146. Phone number (313) 386-1800; Fax (313) 386-2205.

Special Uses shall comply with the standards in Section 1262.08 of the Zoning Ordinance. Accordingly, a public hearing shall be held by the Planning Commission before a decision is made on any Special Use request. Furthermore, a site plan shall be required, which shall be prepared in accordance with Section 1294.01 of the Ordinance.

**TO BE COMPLETED BY APPLICANT:**

I (we) the undersigned do hereby respectfully request Special Use Review and provide the following information to assist in the review:

Applicant: FERNANDO LOPEZ

Mailing Address: 3563 FORT ST, LINCOLN PARK 48146

Email Address: FERNANDO@TARBMAIL.COM

Telephone: 313-999-0224 Fax: 313-724-6266

Property Owner(s) (if different from Applicant): \_\_\_\_\_

Mailing Address: SAME AS ABOVE

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Applicant's Legal Interest in Property: OWNER

Location of Property: Street Address: 3563 FORT ST, LINCOLN PARK MI 48146

Nearest Cross Streets: NEW YORK ST & FORT ST

Sidwell Number: 45-012-08-1951-001

Property Description: \_\_\_\_\_

If part of a recorded plat, provide lot numbers and subdivision name. If not part of a recorded plat (i.e., "acreage parcel"), provide metes and bounds description. Attach separate sheets if necessary.

LOT 1951, 1952, 1953, 1954, 1955, 1956, 204B, 675, 676  
EMMONS ORCHARD SUBDIVISION NO.1

Property Size (Square Ft): 15,078 (Acres): 0.34

Present Use of Property: TIRE & AUTO REPAIR

Proposed Use of Property: TIRE & AUTO REPAIR

Existing Zoning (please check):

- |   |  |
|---|--|
| <input type="checkbox"/> SFRD Single Family Residential District    | <input type="checkbox"/> RBD Regional Business District  |
| <input type="checkbox"/> MFRD Multiple Family Residential District  | <input type="checkbox"/> CBD Central Business District   |
| <input type="checkbox"/> MHRD Mobile Home Park District             | <input type="checkbox"/> GID General Industrial District |
| <input type="checkbox"/> NBD Neighborhood Business District         | <input type="checkbox"/> LID Light Industrial District   |
| <input checked="" type="checkbox"/> MBD Municipal Business District | <input type="checkbox"/> CSD Community Service District  |
| <input type="checkbox"/> PUD Planned Unit Development District      |  |

Please Complete the Following Chart:

Type of Development	Number of Units	Gross Floor Area	Number of Employees on Largest Shift
Detached Single Family			
Attached Residential			
Office			
Commercial	1	3,786	4
Industrial			
Other			

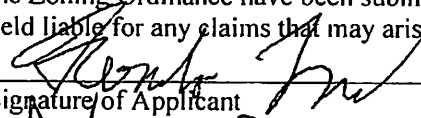
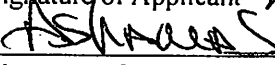
**ATTACH THE FOLLOWING:**

- Six (6) individually folded copies of the site plan, sealed by a registered architect, engineer, landscape architect or community planner.
- Proof of property ownership.
- A brief written description of the proposed use.

**PLEASE NOTE:** The applicant or a designated representative **MUST BE PRESENT** at all scheduled review meetings or the site plan may be tabled due to lack of representation.

**APPLICANT'S ENDORSEMENT:**

All information contained herein is true and accurate to the best of my knowledge. I acknowledge that the Planning Commission will not review my application unless all information required in this application and the Zoning Ordinance have been submitted. I further acknowledge that the City and its employees shall not be held liable for any claims that may arise as a result of acceptance, processing, or approval of this application.

Signature of Applicant 	Date <u>3-20-18</u>
Signature of Applicant 	Date <u>3-20-18</u>
Signature of Property Owner Authorizing this Application _____	Date _____

*To be completed by City:*  
 Date Submitted: \_\_\_\_\_ Fee Paid: \_\_\_\_\_  
 Received By: \_\_\_\_\_ Date of Public Hearing: \_\_\_\_\_

**PLANNING COMMISSION ACTION (RECOMMENDATION)**  
 To Approve: \_\_\_\_\_ To Deny: \_\_\_\_\_ Date of Action: \_\_\_\_\_  
 Reasons for Action Taken: \_\_\_\_\_

**CITY COUNCIL ACTION**  
 Approved: \_\_\_\_\_ Denied: \_\_\_\_\_ Date of Action: \_\_\_\_\_  
 Reasons for Action Taken: \_\_\_\_\_

Case No. DPC18-0003

Date Submitted 3/21/18

City of Lincoln Park  
APPLICATION FOR SITE PLAN REVIEW \$ 2250.00

NOTICE TO APPLICANT: Applications for Site Plan Review by the Planning Commission must be submitted to the City in *substantially complete form* at least thirty (30) days prior to the Planning Commission meeting at which the proposal will be considered. The application must be accompanied by the data specified in the Zoning Ordinance and Site Plan Review Guidelines, including fully dimensioned site plans, plus the required review fees. Regular meetings of the Planning Commission are held on the second Wednesday of each month at 7:00 p.m. All meetings are held at the Lincoln Park City Hall, 1355 Southfield Road, Lincoln Park, Michigan 48146. Phone number (313) 386-1800; Fax (313) 386-2205.

TO BE COMPLETED BY APPLICANT:

I (we) the undersigned, do hereby respectfully request Site Plan Review and provide the following information to assist in the review:

Applicant: FERNANDO LOPEZ

Mailing Address: 3563 FORT ST, LINCOLN PARK MI 48146

Email Address: FERNANDO@TIREMAIL.COM

Telephone: 313-999-0224

Fax: 313-724-6266

Property Owner(s) (if different from Applicant): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

SAME AS ABOVE

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

Applicant=s Legal Interest in Property: \_\_\_\_\_

OWNER

Location of Property: Street Address: 3563 FORT ST, LINCOLN PARK MI 48146

Nearest Cross Streets: NEW YORK ST & FORT ST

Sidwell Number: 45-012-08-1951-001

Property Description:

If part of a recorded plat, provide lot numbers and subdivision name. If not part of a recorded plat (i.e., Acreage parcel"), provide metes and bounds description. Attach separate sheets if necessary.

LOTS 1951, 1952, 1953, 1954, 1955, 1956, 2048, 675  
676 EMMON'S ORCHARD SUBDIVISION No. 1

Property Size (Square Ft): 15,078

(Acres) 0.34

Existing Zoning (please check):

- SFRD Single Family Residential District
- MFRD Multiple Family Residential District
- MHIRD Mobile Home Park District
- NBD Neighborhood Business District
- MBD Municipal Business District
- PUD Planned Unit Development District

- RBD Regional Business District
- CBD Central Business District
- GID General Industrial District
- LID Light Industrial District
- CSD Community Service District



Present Use of Property: TIRE & AUTO REPAIR

Proposed Use of Property: TIRE & AUTO REPAIR  
ALIGNMENTS, SUSPENSION WORK, BRAKE WORK  
SALES & REPAIR TIRES & RIMS. HOURS OF OPERATION  
MON-SAT 8AM-6PM. FOUR EMPLOYEES, ONE COMPANY CAR.

Please Complete the Following Chart:

Type of Development	Number of Units	Gross Floor Area	Number of Employees on Largest Shift
Detached Single Family			
Attached Residential			
Office			
Commercial	<u>1</u>	<u>3,786</u>	<u>4</u>
Industrial			
Other			

Professionals Who Prepared Plans:

A. Name: ASM Consultants  
 Mailing Address: 835 MASON ST SUITE: B290  
Dearborn, MI 48124  
 Email Address: aboted@yahoo.com  
 Telephone: 313 582 0022 Fax: \_\_\_\_\_ Primary Design Responsibility: Architect, Engineer

B. Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Email Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ Primary Design Responsibility: \_\_\_\_\_

C. Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Email Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ Primary Design Responsibility: \_\_\_\_\_

**ATTACH THE FOLLOWING:**

1. Six (6) individually folded copies of the site plans, sealed by a registered architect, engineer, landscape architect or community planner.
2. A brief written description of the existing and proposed uses, including but not limited to: hours of operation, number of employees on largest shift, number of company vehicles, etc.
3. Proof of property ownership.
4. Review comments or approval received from county, state, or federal agencies that have jurisdiction over the project, including but not limited to:

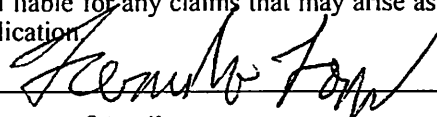
- |   |  |
|---|--|
| G Wayne County Road Commission          | G Wayne County Drain Commission                |
| G Wayne County Health Division          | G Michigan Department of Natural Resources     |
| G Michigan Department of Transportation | G Michigan Department of Environmental Quality |

**PLEASE NOTE:** The applicant or a designated representative **MUST BE PRESENT** at all scheduled review meetings or the site plan may be tabled due to lack of representation.

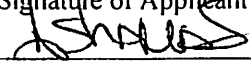
Failure to provide true and accurate information on this application shall provide sufficient grounds to deny approval of a site plan application or to revoke any permits granted subsequent to site plan approval.

**APPLICANT=S ENDORSEMENT:**

All information contained herein is true and accurate to the best of my knowledge. I acknowledge that the Planning Commission will not review my application unless all information required in this application and the Zoning Ordinance have been submitted. I further acknowledge that the City and its employees shall not be held liable for any claims that may arise as a result of acceptance, processing, or approval of this site plan application.

  
 \_\_\_\_\_  
 Signature of Applicant

3-20-18  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 Signature of Applicant

3-20-2018  
 \_\_\_\_\_  
 Date

\_\_\_\_\_  
 Signature of Property Owner Authorizing this Application

\_\_\_\_\_  
 Date

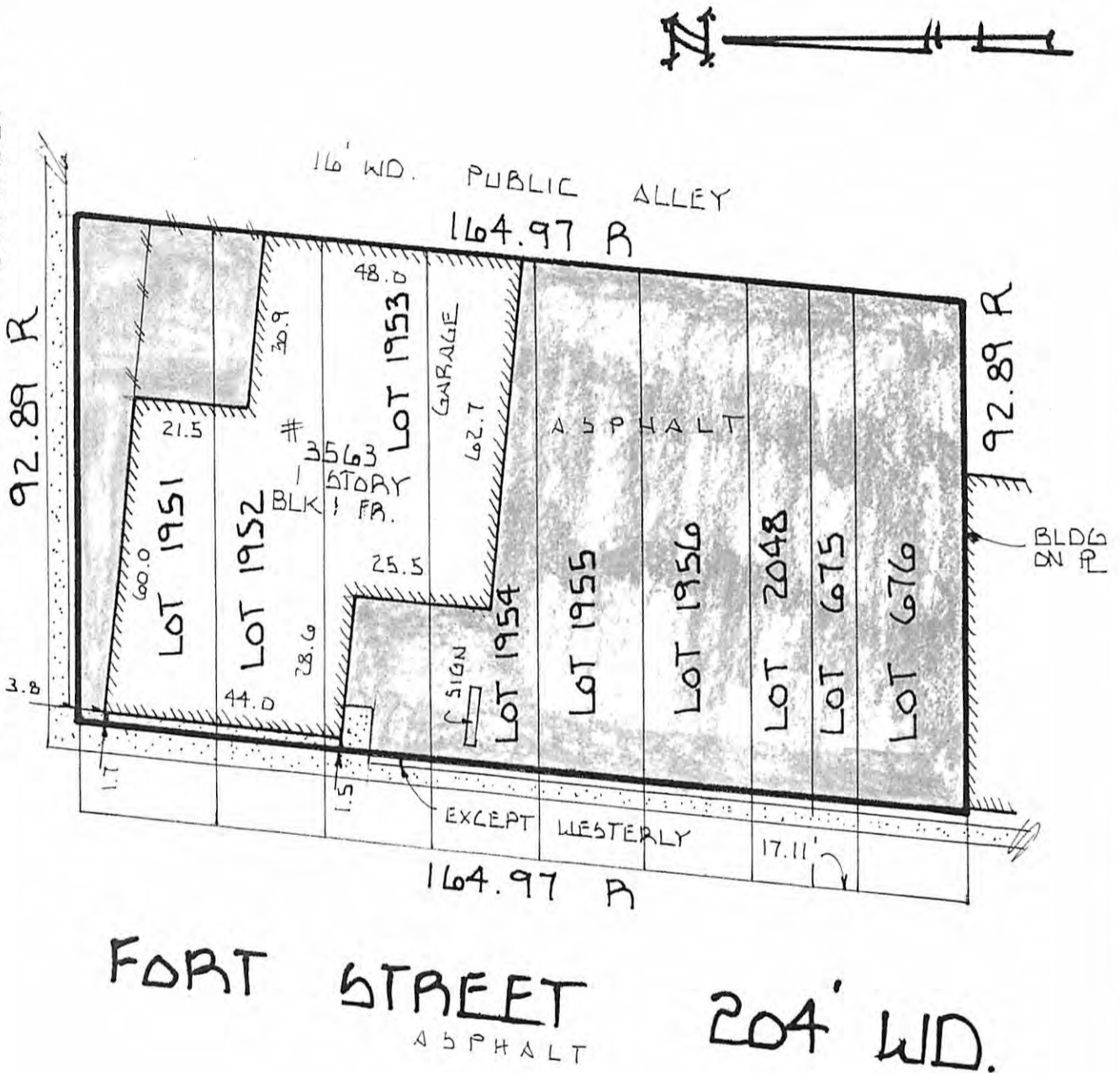
\_\_\_\_\_  
 Signature of Property Owner Authorizing this Application

\_\_\_\_\_  
 Date

<b>TO BE COMPLETED BY THE CITY</b>		Case No. _____
Date Submitted: _____		Fee Paid: _____
Received By: _____		Date of Public Hearing: _____
<b>PLANNING COMMISSION ACTION</b>		
Approved: _____	Denied: _____	Date of Action: _____

NEW YORK AVE: 50' WD.  
ASPHALT

Description: Lot 675 and 676, except the Westerly 17.11 feet thereof, deeded for widening of Fort Street. **EMMON'S ORCHARD SUBDIVISION No. 1**, as recorded in Liber 41, Page 81 of Plats, Wayne County Records, and Lots 1951 through 1956, inclusive, except the Westerly 17.11 feet thereof and Lot 2048, except the Westerly 17.11 feet thereof deeded for widening of Fort Street. **EMMON'S ORCHARD SUBDIVISION No. 2**, as recorded in Liber in 41, Page 88 of Plats, Wayne County Records.



**MORTGAGE CERTIFICATE**

We hereby certify to XXXXXXXXXXXXXXXXXXXX  
a mortgage lender, and certify to all Title Insurance Companies for the purpose of a mortgage loan to be made by said lender to

Fernando Lopez and Adriana Shamas

that we have measured the property herein described: that there are located entirely thereon building(s) and improvement(s) and that said building(s) and improvement(s) are within the property lines and that there are no existing encroachments upon the land and property described, except as shown. **LEGAL DESCRIPTION PROVIDED BY OTHERS.**

\*This mortgage certificate was prepared specifically for **IDENTIFICATION PURPOSES** for the sole use of the mortgage and Title Insurance Companies disclosed hereon. Nothing herein shall be construed to give any rights or benefits to the present or future land owners or occupants. This certificate is not intended nor represented to be a land boundary or property line survey and is not to be used to establish property lines, easements, public right-of-way, building lines, conformity or non-conformity to State, County or local ordinances and/or codes, etc. No boundary markers were set.

Job No 3-17-28 Scale: 1" = 30'

Date April 6, 2017 Final:

**Property Transfer Affidavit**

This form is issued under authority of P.A. 415 of 1994. Filing is mandatory.

This form must be filed whenever real estate or some types of personal property are transferred (even if you are not recording a deed). The completed Affidavit must be filed by the new owner with the assessor for the city or township where the property is located within 45 days of the transfer. The information on this form is NOT CONFIDENTIAL. 44-00160

1. Street Address of Property <b>3563 FORT ST., LINCOLN PARK, MI 48146</b>		2. County <b>WAYNE</b>	3. Date of Transfer (or land contract signed) <b>APRIL 21, 2017</b>
4. Location of Real Estate (Check appropriate field and enter name in the space below.) <input type="checkbox"/> City <input type="checkbox"/> Township <input type="checkbox"/> Village  <b>City OF LINCOLN PARK</b>		5. Purchase Price of Real Estate <b>\$275,000.00</b>	
7. Property Identification Number (PIN). If you don't have a PIN, attach legal description. PIN. This number ranges from 10 to 25 digits. It usually includes hyphens and sometimes includes letters. It is on the property tax bill and on the assessment notice. <b>45-012-08-1951-001</b>		6. Seller's (Transferor) Name <b>JOANNE E. SANOM</b>	
		8. Buyer's (Transferee) Name and Mailing Address <b>FERNANDO LOPEZ AND ADRIANA SHAMAS 3563 FORT ST. LINCOLN PARK, MI 48146</b>	
		9. Buyer's (Transferee) Telephone Number <b>Brownstown NJ NJ 48134</b>	

**Items 10 - 15 are optional. However, by completing them you may avoid further correspondence.**

10. Type of Transfer: <u>Transfers</u> include, but are not limited to, deeds, land contracts, transfers involving trusts or wills, certain long-term leases and business interest. See page 2 for list. <input type="checkbox"/> Land Contract <input type="checkbox"/> Lease <input type="checkbox"/> Deed <input type="checkbox"/> Other (specify) _____			
11. Was property purchased from a financial institution? <input type="checkbox"/> Yes <input type="checkbox"/> No		12. Is the transfer between related persons? <input type="checkbox"/> Yes <input type="checkbox"/> No	
14. If you financed the purchase, did you pay market rate of interest? <input type="checkbox"/> Yes <input type="checkbox"/> No		13. Amount of Down Payment <b>\$75,000.00</b>	
		15. Amount Financed (Borrowed)	

**EXEMPTIONS:**

Certain types of transfers are exempt from uncapping. If you believe this transfer is exempt, indicate below the type of exemption you are claiming. If you claim an exemption, your assessor may request more information to support your claim.

- Transfer from one spouse to the other spouse
- Change in ownership solely to exclude or include a spouse
- Transfer between certain family members \*(see page 2)
- Transfer of that portion of a property subject to a life lease or life estate (until the life lease or life estate expires)
- Transfer between certain family members of that portion of a property after the expiration or termination of a life estate or life lease related by transferor \*\* (see page 2)
- Transfer to effect the foreclosure or forfeiture of real property
- Transfer by redemption from a tax sale
- Transfer into a trust where the settlor or the settlor's spouse conveys property to the trust and is also the sole beneficiary of the trust
- Transfer resulting from a court order unless the order specifies a monetary payment
- Transfer creating or ending a joint tenancy if at least one person is an original owner of the property (or his/her spouse)
- Transfer to establish or release a security interest (collateral)
- Transfer of real estate through normal public trading of stock
- Transfer between entities under common control or among members of an affiliated group
- Transfer resulting from transactions that qualify as a tax-free reorganization under Section 368 of the Internal Revenue Code.
- Transfer of qualified agricultural property when the property remains qualified agricultural property and affidavit has been filed.
- Transfer of qualified forest property when the property remains qualified forest property and affidavit has been filed.
- Transfer of land with qualified conservation easement (land only - not improvements)
- Other, specify: \_\_\_\_\_

**RECEIVED**  
**APR 24 2017**  
**CITY OF LINCOLN PARK**  
**ASSESSOR'S OFFICE**

**CERTIFICATION**

I certify that the information above is true and complete to the best of my knowledge.

Printed Name		Date
Signature 		<b>4-21-17</b>
Name and title, if signer is other than the owner	Daytime Phone Number	E-mail Address

**LAND CONTRACT**

**MICHIGAN TITLE INSURANCE AGENCY, INC.**

File Number: 44-00160

<p><i>Parties</i></p>	<p><b>THIS CONTRACT</b>, made April 21, 2017, between <b>JOANNE E. SANOM , A SINGLE WOMAN, BY ALBERT C. SANOM, HER ATTORNEY IN FACT, WHOSE POWER OF ATTORNEY IS RECORDED IN LIBER _____, PAGE _____, WAYNE COUNTY RECORDS</b> hereinafter referred to as the "Seller" , whose address is <b>C/O Al Sanom, 2880 Robina Ave., Berkley, MI, 48072</b>, and <b>FERNANDO LOPEZ , A SINGLE MAN AND ADRIANA SHAMAS , A MARRIED WOMAN, TENANTS IN COMMON</b>, hereinafter referred to as the "Purchaser", whose address is 22057 Beech Daly, Brownstown, MI 48134,</p> <p>Witnesseth:  <b>1. THE SELLER AGREES AS FOLLOWS:</b></p>
<p><i>Description of Premises</i></p>	<p>(a) To sell and convey to the Purchaser land in the <b>CITY OF LINCOLN PARK, COUNTY OF WAYNE</b>, State of Michigan, is described as follows:</p> <p>Lot 675 and 676, except the Westerly 17.11 feet thereof, deeded for widening of Fort Street. Emmon's Orchard Subdivision No. 1, as recorded in Liber 41, Page 81 of Plats, Wayne County Records, and Lots 1951 through 1956, inclusive, except the Westerly 17.11 feet thereof and Lot 2048, except the Westerly 17.11 feet thereof deeded for widening of Fort Street. Emmon's Orchard Subdivision No. 2, as recorded in Liber 41, Page 88 of Plats, Wayne County Records.</p> <p>Tax Identification Number(s): 45-012-08-1951-001 (FOR INFORMATIONAL PURPOSES ONLY, THE TAX LEGAL IS ASSESSED AS FOLLOWS: LOTS 1951 TO 1956 INCL EXC THE WLY 17.11 FT THEREOF ALSO LOT 2048 EXC THE WLY 17.11 FT THEREOF OF EMMONS ORCHARD SUBDN NO 2 L 41 P88 ALSO LOTS 675 AND 676 EXC THE WLY 17.11 THEREOF OF EMMONS ORCHARD SUBDN NO 1 L41 P81 EMMONS ORCHARD SUB NO. 2 PC 48 L41 P88 WCR)</p> <p>Property Address: 3563 FORT ST., LINCOLN PARK, MI 48146  This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act. The Grantor grants to the Grantee the right to make _____ division(s) under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967.  together with all tenements, hereditaments, improvements and appurtenances, including all lighting fixtures, plumbing fixtures, shades, Venetian blinds, curtain rods, storm windows, storm doors, screens, awnings, if any, and any bill of sale items if applicable now on the premises, and subject to all applicable building and use restrictions, and easements, if any, affecting the premises.</p>
<p><i>Terms of Payment</i></p>	<p>(b) That consideration for the sale of the above described, to the Purchaser, is:  <b>TWO HUNDRED SEVENTY FIVE THOUSAND AND 00/100 DOLLARS (\$275,000.00)</b>  of which the sum of:  <b>SEVENTY FIVE THOUSAND AND 00/100 DOLLARS (\$75,000.00)</b>  has heretofore been paid to the Seller, the receipt of which is hereby acknowledged, and the balance of:  <b>TWO HUNDRED THOUSAND AND 00/100 DOLLARS (\$200,000.00)</b>  is to be paid to the Seller, with interest on any part thereof at any time unpaid at the rate of 6%, per annum while the Purchaser is not in default, and at the rate of 6% per annum when and as often as the Purchaser is in default. This balance of purchase money and interest shall be paid in monthly installments of:  <b>TWO THOUSAND TWO HUNDRED TWENTY AND 41/100 DOLLARS (\$2,220.41)</b>  each, or more at the Purchaser's option, on the day of each month, beginning <b>MAY 21, 2017</b>. Said payments to be applied first upon interest and the balance on principal; <b>PROVIDED</b>, the entire purchase money and interest shall be fully paid within <b>5 YEARS</b> from the date hereof, anything herein to the contrary notwithstanding.</p>

<p><i>Seller's Duty to Convey</i></p>	<p>(c) Upon receiving payment in full of all sums owing herein, less the amount then due on any existing mortgage or mortgages, and the surrender of the duplicate of this contract, to execute and deliver to the Purchaser or the Purchaser's assigns, a good and sufficient Warranty Deed conveying title to said land, subject to aforesaid restrictions and easements and subject to any then existing mortgage or mortgages, and free from all other encumbrances, except such as may be herein set forth, and except such encumbrances as shall have accrued or attached since the date hereof through the acts or omissions of persons other than the Seller or his assigns.</p>
<p><i>To furnish Title Evidence</i></p>	<p>(d) To deliver to the Purchaser as evidence of title, at the Sellers option, either a Policy of Title Insurance or Abstract of Title, the effective date of the policy or certification date of Abstract to be approximately the date of this contract, and issued by Michigan Title Insurance Agency, Inc. and it's Underwriter. The Seller shall have the right to retain possession of this evidence of title during the life of this contract and upon demand, shall lend it to Purchaser upon the pledging of a reasonable security.</p>
<p><i>Purchaser's Duties</i></p>	<p><b>2. THE PURCHASER AGREES AS FOLLOWS:</b></p>
<p><i>To Pay Taxes and Keep Premises Insured</i></p>	<p>(a) To purchase said land and pay the Seller the sum aforesaid, with the interest thereon as above provided.</p> <p>(b) To use, maintain and occupy said premises in accordance with any and all restrictions thereon.</p> <p>(c) To keep the premises in accordance with all police, sanitary and other regulations imposed by any governmental authority.</p> <p>(d) To pay all taxes and assessments hereafter levied on said premises before any penalty for non-payment attaches thereto, and submit receipts to Seller upon request, as evidence of payment thereof; also at all times to keep the buildings now or hereafter on the premises insured against loss and damage, in manner and to an amount approved by the Seller, and to deliver the policies as issued to the Seller with the premiums fully paid.</p>
<p><i>Alternate Payment Method</i></p>	<p>If the amount of the estimated monthly cost of Taxes, Assessments and Insurance is inserted in the following Paragraph 2 (e), then the method of the payment of these items as therein indicated shall be adopted. If this amount is not inserted, then Paragraph 2 (e) shall be of no effect and the method of payment provided in the preceding Paragraph 2 (d) shall be effective.</p>
<p><i>Insert amount, if advance monthly installment method of taxes and insurance is to be adopted</i></p>	<p>(e) To pay monthly in addition to the monthly payments herein before stipulated, the sum of ( ), which is an estimate of the monthly cost of the taxes, assessments and insurance premiums for said premises, which shall be credited by the Seller on the unpaid principal balance due on the contract. If the Purchaser is not in default under the terms of this contract, the Seller shall pay for the Purchaser's account, the taxes, assessments and insurance premiums mentioned in Paragraph 2 (d) above when due and before any penalty attaches, and submit the receipts therefor to the Purchaser upon demand. The amounts so paid shall be added to the principal balance of this contract. The amount of the estimated monthly payment, under this paragraph, may be adjusted from time to time so that the amount received shall approximate the total sum required annually for taxes, assessments and insurance. This adjustment shall be made on demand of either of the parties and any deficiencies shall be paid by the Purchaser upon the Seller's demand.</p>
<p><i>Acceptance of Title and Premises</i></p>	<p>(f) That he has examined a Title Insurance Policy covering the above described premises, and is satisfied with the marketability of the title shown thereby, and has examined the above described premises and is satisfied with the physical condition of any structures thereon.</p>
<p><i>Maintenance of Premises</i></p>	<p>(g) To keep and maintain the premises and the buildings thereon in as good condition as they are at the date hereof and not to commit waste, remove or demolish any improvements thereon, or otherwise diminish the value of the Seller's security, without the written consent of the Seller.</p>

**3. THE SELLER AND PURCHASER MUTUALLY AGREE AS FOLLOWS:**

*Mortgage by Seller*

(a) That the Seller may, at any time during the continuance of this contract encumber said land by mortgage or mortgages to secure not more than the unpaid balance of this contract at the time such mortgage or mortgages are executed. Such mortgage or mortgages shall be payable in not less than three (3) years from date of execution thereof and shall provide for payment of principal and interest in monthly installments which do not exceed such installments provided for in this contract; or on such other terms as may be agreed upon by the Seller and Purchaser, and shall be a first lien upon the land superior to the rights of the Purchaser herein; provided notice of execution of said mortgage or mortgages containing the name and address of the mortgagee or his agent, the amount of such mortgage or mortgages, the rate of interest and maturity of the principal and interest shall be sent to the Purchaser by registered mail promptly after execution thereof. Purchaser will, on demand, execute any instruments demanded by the seller, necessary or requisite to subordinate the rights of the Purchaser hereunder to the lien of any such mortgage or mortgages. In event said Purchaser shall refuse to execute any instruments demanded by said Seller and shall refuse to accept such registered mail hereinbefore provided, or said registered mail shall be returned unclaimed, then the Seller may post such notice in two conspicuous places on said premises, and upon making affidavit duly sworn to such posting, this proceeding shall operate the same as if said Purchaser had consented to the execution of said mortgage or mortgages, and the Purchaser's rights shall be subordinate to said mortgage or mortgages as hereinbefore provided. The consent obtained, or subordination as otherwise herein provided, under or by virtue of the foregoing power, shall extend to any and all renewals or extensions or amendments of said mortgage or mortgages, after Seller has given notice to the Purchaser as above provided for giving notice of the execution of said mortgage or mortgages.

*Encumbrances on Seller's Title*

(b) That if the Seller's interest be that of land contract, or now or hereafter be encumbered by mortgage, the Seller shall meet the payments of principal and interest thereon as they mature and produce evidence thereof to the Purchaser on demand, and in default of the Seller said Purchaser may pay the same. Such payments by Purchaser shall be credited on the sums matured or first maturing hereon, with interest at seven percent, per annum on payments so made. If proceedings are commenced to recover possession or to enforce the payment of such contract or mortgage because of the Seller's default, the Purchaser may at any time thereafter, while such proceedings are pending, encumber said land by mortgage, securing such sum as can be obtained, upon such terms as may be required, and with the proceeds pay and discharge such mortgage, or purchase money lien. Any mortgage so given shall be the first lien upon the land superior to the rights of the Seller therein, and thereafter the Purchaser shall pay the principal and interest on such mortgage so given as they mature, which payments shall be credited on the sums matured on first maturing hereon. When the sum owing hereon is reduced to the amount owing upon such contract or mortgage or owing on any mortgage executed under either of the powers in this contract contained, a conveyance shall be made in the form above provided containing a covenant by the grantee to assume and agree to pay the same.

*Non-Payment of Taxes or Insurance*

(c) That if default is made by the Purchaser in the payment of any taxes, assessments or insurance premiums, or in the payment of the sums provided in Paragraph 2 (e), or in the delivery of any policy as hereinbefore provided, the Seller may pay such taxes or premiums or procure such insurance and pay the premium or premiums thereon, and any sum or sums so paid shall be a further lien on the land and premises, payable by the Purchaser to the seller forthwith with interest at the rate of 6% per annum.

*Assignment by Purchaser*

(d) No assignment or conveyance by the Purchaser shall create any liability whatsoever against the Seller until a duplicate thereof, duly witnessed and acknowledged, together with the residence address of such assignee, shall be delivered to the Seller. Purchaser's liability hereunder shall not be released or affected in any way by delivery of such assignment, or by Seller's endorsement of receipt and/or acceptance thereon.

*Possession*

(e) The Purchaser shall have the right to possession of the premises from and after the date hereof, unless otherwise herein provided, and be entitled to retain possession thereof only so long as there is no default on his part in carrying out the terms and conditions hereof. In the event the premises hereinabove described are vacant or unimproved, the Purchaser shall be deemed to be in constructive possession only, which possessory right shall cease and terminate after service of a notice of forfeiture of this contract. Erection of signs by Purchaser on vacant or unimproved property shall not constitute actual possession by him.

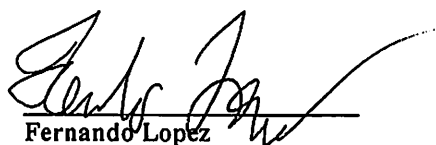
*Right to Forfeit*

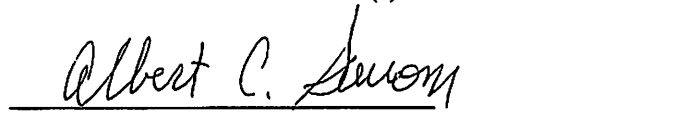
(f) If the Purchaser shall fail to perform this contract or any part thereof, the Seller immediately after such default shall have the right to declare the same forfeited and void, and retain whatever may have been paid hereon, and all improvements that may have been made upon the premises, together with additions and accretions thereto, and consider and treat the Purchaser as his tenant holding over without permission and may take immediate possession of the premises, and the Purchaser and each and every other occupant remove and put out. In all cases where a notice of forfeiture is relied upon by the Seller to terminate rights hereunder, such notice shall specify all unpaid moneys and other breaches of this contract and shall declare forfeiture of this contract effective in fifteen days after service unless such money is paid and any other breaches of this contract are cured within that time.

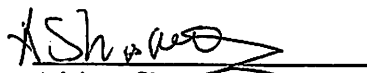
<i>Acceleration Clause</i>	(g) If default is made by the Purchaser and such default continues for a period of forty-five days or more, and the Seller desires to foreclose this contract in equity, then the Seller shall have at his option the right to declare the entire unpaid balance hereunder to be due and payable forthwith, notwithstanding anything herein contained to the contrary.
<i>Notice to Purchaser</i>	(h) Time shall be deemed to be of the essence of this contract.  (i) The individual parties hereto represent themselves to be of full age, and the corporate parties hereto represent themselves to be valid existing corporations with their charters in full effect.  (j) Any declarations, notices or papers necessary or proper to terminate, accelerate or enforce this contract shall be presumed conclusively to have been served upon the Purchaser if such instrument is enclosed in an envelope with postage fully prepaid, if said envelope is addressed to the Purchaser at the address set forth in the heading of this contract or at the latest other address which may have been specified by the Purchaser and receipted for in writing by the Seller, and if said envelope is deposited in a United States Post Office Box.
<i>Additional Clauses</i>	***SEE ATTACHED FOR ADDITIONAL CLAUSES***  The pronouns and relative words herein used are written in the masculine and singular only. If more than one join in the execution hereof as Seller or Purchaser, or either be of the feminine sex or a corporation, such words shall be read as if written in plural, feminine or neuter, respectively. The covenants herein shall bind the heirs, devisees, legatees, assigns and successors of the respective parties.

**Purchaser(s):**

**Seller(s):**

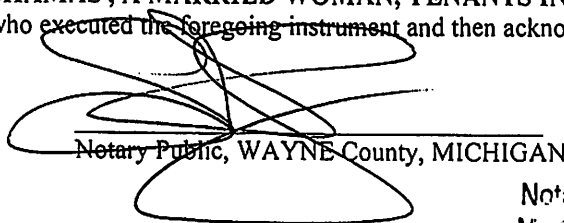
  
 \_\_\_\_\_  
 Fernando Lopez

  
 \_\_\_\_\_  
 Joanne E. Sanom By Albert C. Sanom,  
 Attorney In Fact, Whose Power of Attorney is Recorded in Liber \_\_\_\_\_,  
 Page \_\_\_\_\_, Wayne County Records.

  
 \_\_\_\_\_  
 Adriana Shamas

STATE OF MICHIGAN  
 COUNTY OF WAYNE

On this 04/21/2017, before me, a Notary Public in and for said County, personally appeared JOANNE E. SANOM , A SINGLE WOMAN, BY ALBERT C. SANOM, HER ATTORNEY IN FACT, WHOSE POWER OF ATTORNEY IS RECORDED IN LIBER \_\_\_\_\_, PAGE \_\_\_\_\_, WAYNE COUNTY RECORDS AND FERNANDO LOPEZ , A SINGLE MAN AND ADRIANA SHAMAS , A MARRIED WOMAN, TENANTS IN COMMON, to me known to be the same person s described in and who executed the foregoing instrument and then acknowledged the same to be their free act and deed.

  
 \_\_\_\_\_  
 Notary Public, WAYNE County, MICHIGAN

STACEY D. COURY  
 Notary Public, Wayne County, MI  
 My Commission Expires 5-5-2019  
 Acting in Wayne County

My Commission Expires:

Drafted By: Robert W. Curran, 42949 W. Seven Mile Road, Northville, MI 48167  
 Return To: Fernando Lopez and Adriana Shamas  
 3563 Fort St., Lincoln Park, MI 48146



In the event payments are not received within 15 days from due date, a late fee of \$50.00 per payment shall be assessed. This is a service charge and is not interest. Purchaser further agrees and understands that assessment of the late fee does not constitute an election under the Land Contract and that the Seller may pursue any other remedies available in law or equity.

Seller agrees to execute a warranty deed at closing to be placed in escrow with Michigan Title Insurance Agency, until the Land Contract is paid in full. Purchaser agrees to pay this escrow fee. At final settlement, Seller agrees to pay State and County Transfer Tax.

It is mutually understood that the monthly installment payments specified in said Land Contract are insufficient to fully pay the obligation owing within the term of said Land Contract; and that there will be a lump sum payment due Seller upon completion of said term.

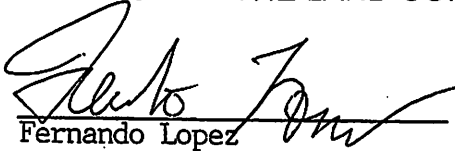
No representations, oral or otherwise, have been made by the parties hereto and/or real estate broker(s) as to the future availability of alternative financing which might be required by the Purchaser to fully pay the obligation then owing on said Land Contract.

Seller is under no obligation to extend this Land Contract beyond the agreed upon termination or to refinance the principal balance beyond said termination date.

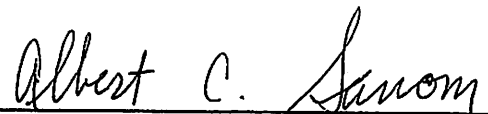
Purchaser has been advised that a survey should be obtained and has ordered a survey. If survey is ordered, it will be a mortgage type at Purchaser's expense, paid in advance.

All parties of this transaction should seek the counsel of an attorney and an accountant to protect their interest. Brokers and sales personnel are neither trained nor employed to provide such counsel and the parties hereto acknowledge they have not relied on any such advice if it has been given.

PURCHASER TO PURCHASE SUBJECT LOCATION AS IS. PURCHASER MAY NOT DEMOLISH THE BUILDING OR MAKE ANY MAJOR ALTERATION WITHOUT PAYING OFF THE LAND CONTRACT BALANCE FIRST.

  
Fernando Lopez

  
Adriana Shamas

  
Joanne E. Sanom by Albert C. Sanom,  
Attorney in Fact Whose Power of Attorney  
is recorded in Liber \_\_\_\_\_ Page \_\_\_\_\_  
Wayne County Records.

**DEED ESCROW AGREEMENT**

**MICHIGAN TITLE INSURANCE AGENCY, INC.**

9333 TELEGRAPH ROAD, SUITE 100  
TAYLOR, MICHIGAN 48180  
PHONE: (313) 291-2323

File Number: 44-00160  
Property Address: 3563 FORT ST., LINCOLN PARK, MI 48146  
Purchaser(s): FERNANDO LOPEZ AND ADRIANA SHAMAS  
Seller(s): JOANNE E. SANOM

Deposited with you herewith is a Warranty Deed given pursuant thereto to be held by you in escrow for delivery until written authorization, properly witnessed and notarized, is given to Michigan Title Insurance Agency, Inc. from the said Seller(s). If the parties hereto request the deed to be recorded in the registered county, then the proper amount for recording and transfer tax must be included with the said authorization.

Upon making such delivery, you will thereupon be released and acquitted from any further liability concerning the deposit; it being expressly understood that such liability, in any event, is limited by the term and conditions set forth herein. By acceptance of this agency, you are in no way assuming any responsibility for the validity or authenticity of the subject matter of the deposit.

In the event of litigation affecting your duties relating to this deposit, we agree to reimburse you for any reasonable expenses incurred, including attorney fees and hold you harmless from any and all liabilities arising out of said litigation.

Any changes in the terms or conditions hereof may be made only in writing signed by all parties or their duly authorized representatives.


For your services as herein specified, you are to receive the sum of FIFTY DOLLARS (\$50.00) as of the date stated herein.

Dated: April 21, 2017

Purchaser(s):

  
FERNANDO LOPEZ

Seller(s):

  
JOANNE E. SANOM, BY ALBERT C.  
SANOM, ATTORNEY IN FACT

  
ADRIANA SHAMAS

We hereby accept the above escrow deposit under the terms and conditions therein set forth.  
MICHIGAN TITLE INSURANCE AGENCY, INC.

By: 

**WARRANTY DEED**

MICHIGAN TITLE INSURANCE AGENCY, INC.  
File Number: 44-00160

The Grantor(s) JOANNE E. SANOM , A SINGLE WOMAN, BY ALBERT C. SANOM, ATTORNEY IN FACT, WHOSE POWER OF ATTORNEY IS RECORDED IN LIBER \_\_\_\_\_, PAGE \_\_\_\_\_, WAYNE COUNTY RECORDS.

whose address is C/O AL SANOM  
2880 ROBINA AVE., BERKLEY, MI 48072

Convey(s) and Warrant(s) to FERNANDO LOPEZ , A SINGLE MAN and ADRIANA SHAMAS , A MARRIED WOMAN, TENANTS IN COMMON

whose address is 22057 BEECH DALY, BROWNSTOWN, MI 48134

The following described premises situated in the CITY OF LINCOLN PARK, COUNTY OF WAYNE, State of Michigan, and is described as follows:

Lot 675 and 676, except the Westerly 17.11 feet thereof, deeded for widening of Fort Street. Emmon's Orchard Subdivision No. 1, as recorded in Liber 41, Page 81 of Plats, Wayne County Records, and Lots 1951 through 1956, inclusive, except the Westerly 17.11 feet thereof and Lot 2048, except the Westerly 17.11 feet thereof deeded for widening of Fort Street. Emmon's Orchard Subdivision No. 2, as recorded in Liber 41, Page 88 of Plats, Wayne County Records.

Tax Identification Number(s): 45-012-08-1951-001 (FOR INFORMATIONAL PURPOSES ONLY, THE TAX LEGAL IS ASSESSED AS FOLLOWS: LOTS 1951 TO 1956 INCL EXC THE WLY 17.11 FT THEREOF ALSO LOT 2048 EXC THE WLY 17.11 FT THEREOF OF EMMONS ORCHARD SUBDN NO 2 L 41 P88 ALSO LOTS 675 AND 676 EXC THE WLY 17.11 THEREOF OF EMMONS ORCHARD SUBDN NO 1 L41 P81 EMMONS ORCHARD SUB NO. 2 PC 48 L41 P88 WCR)

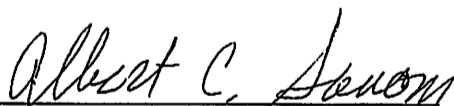
Property Address: 3563 FORT ST., LINCOLN PARK, MI 48146

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act. The Grantor grants to the Grantee the right to make ALL division(s) under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967.

for the sum of TWO HUNDRED SEVENTY FIVE THOUSAND AND 00/100 DOLLARS (\$275,000.00)

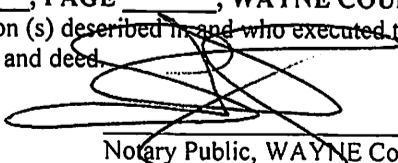
Subject to: Building and Use Restrictions and Easements of record, if any.

Dated: April 21, 2017

  
JOANNE E. SANOM , A SINGLE WOMAN, BY  
ALBERT C. SANOM, ATTORNEY IN FACT, WHOSE  
POWER OF ATTORNEY IS RECORDED IN LIBER  
\_\_\_\_\_, PAGE \_\_\_\_\_, WAYNE COUNTY  
RECORDS.

STATE OF MICHIGAN  
COUNTY OF WAYNE

On this 04/21/2017, before me, a Notary Public in and for said County, personally appeared JOANNE E. SANOM , A SINGLE WOMAN, BY ALBERT C. SANOM, ATTORNEY IN FACT, WHOSE POWER OF ATTORNEY IS RECORDED IN LIBER \_\_\_\_\_, PAGE \_\_\_\_\_, WAYNE COUNTY RECORDS. , to me known to be the same person (s) described in and who executed the foregoing instrument and then acknowledged the same to be his/her/their free act and deed.

  
STACEY D. COURY  
Notary Public, WAYNE County, MICHIGAN  
Notary Public, Wayne County, MI  
My Commission Expires 5-5-2019  
Acting in Wayne County

My Commission Expires:  
Drafted By: Robert W. Curran, 42949 W. Seven Mile Road, Northville, MI 48167  
Return To: Fernando Lopez and Adriana Shamas  
3563 Fort St., Lincoln Park, MI 48146

Century 21 Curran & Christie  
42949 W. Seven Mile Road  
Northville, MI 48167

File# 44-00160

SELLERS CLOSING STATEMENT

Property Address 3563 Fort St., Lincoln Park, MI 48146  
Seller(s) Joanne E. Sanom  
Address 2345 Oxford, Apt 429, Berkley, MI 48072  
Buyer(s) Fernando Lopez and Adriana Shamas  
Address 22057 Beech Daly, Brownstown, MI 48134

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SALES PRICE \$275,000.00  
Land Contract Balance ( \$200,000.00 )  
EQUITY \$75,000.00

CREDITS

City Property Taxes 4/21/2017 to 6/30/2017 \$1,127.82  
\$5,797.93 70 days at \$16.1117per day  
County Property Taxes 4/21/2017 to 11/30/2017 \$890.67  
\$1,451.31 223 days at \$3.994per day

TOTAL CREDITS \$77,018.49

EXPENSES

Realtor Commission \$16,500.00  
Century 21 Curran & Christie - \$8,250.00  
Century 21 Curran & Christie - \$3,250.00 (\$5000.00 EMD)  
Owner's title insurance to Michigan Title Insurance Agency, Inc. \$1,320.50  
2016 City/County Taxes With Int to 4/30/17 \$5,320.88  
Balance Water \$280.20  
Compliance Fee to Century 21 Curran & Christie \$295.00  
Inspection Fee to City of Lincoln Park \$150.00  
Record Power of Attorney to Michigan Title, Recording \$12.00  
Record Deed to Michigan Title, Recording \$18.00

TOTAL EXPENSES ( \$23,896.58 )

ESCROW ITEMS:

Rent -\$0.00  
Water -\$400.00

TOTAL ESCROWS (\$400.00)

AMOUNT DUE TO SELLER AT CLOSING \$52,721.91

We, the undersigned, consider the foregoing to be a correct accounting and accept the foregoing as rendered.

BY Robert W. Luma  
Century 21 Curran &  
Christie

Seller:

Albert C. Sanom  
Joanne E. Sanom By Albert C. Sanom,  
Attorney In Fact

Dated: Friday April 21, 2017

Century 21 Curran & Christie  
42949 W. Seven Mile Road  
Northville, MI 48167

File# 44-00160

PURCHASERS CLOSING STATEMENT

Property Address 3563 Fort St., Lincoln Park, MI 48146  
Seller(s) Joanne E. Sanom  
Address 2345 Oxford, Apt 429, Berkley, MI 48072  
Buyer(s) Fernando Lopez and Adriana Shamas  
Address 22057 Beech Daly, Brownstown, MI 48134

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SALES PRICE	\$275,000.00
Land Contract Balance	\$200,000.00
DOWN PAYMENT	\$75,000.00

**EXPENSES**

City Property Taxes	4/21/2017	to	6/30/2017	\$1,127.82
	\$5,797.93		70 days at \$16.1117per day	
County Property Taxes	4/21/2017	to	11/30/2017	\$890.67
	\$1,451.31		223 days at \$3.994per day	
Compliance Fee to Century 21 Curran & Christie				\$295.00
Reimburse (Mortgage Certificate to McNeely & Lincoln Associates, Inc. to Robert Platte				\$275.00
Deed Recording				\$0.00
Record Land Contract to Michigan Title, Recording				\$32.00
Deed Escrow to Michigan Title, Recording				\$50.00
Settlement or closing fee to Michigan Title Insurance Agency, Inc.				\$300.00
Recording Processing Fee to Michigan Title, Recording				\$35.00
<b>TOTAL EXPENSES</b>				<b>\$78,005.49</b>

**CREDITS**

Deposit or earnest money..... \$5,000.00

**TOTAL CREDITS (\$5,000.00)**

**BALANCE TO CLOSE \$73,005.49**

BY Robert W. Curran  
Century 21 Curran &  
Christie

Purchaser:

Fernando Lopez  
Fernando Lopez  
Adriana Shamas  
Adriana Shamas

Dated: Friday April 21, 2017

**COMMERCIAL AFFIDAVIT AND INDEMNITY**  
**RE: COMMISSIONS**

This Affidavit is executed for the benefit of Michigan Title Insurance Agency, Inc. and/or its Underwriter(s), their successors and/or assigns (collectively, the "Company") with respect to property located at 3563 FORT ST., LINCOLN PARK, MI 48146, more particularly described in the Company's File No. 44-00160 (the "property").

Affiants must initial and complete the appropriate section below, or indicate that it is not applicable (N/A), and hereby states as follows:

~~\_\_\_\_\_~~

**Sale of Interest (Seller):**

Affiant entered into a written agreement with CENTURY 21 CURRAN & CHRISTIE, the "Broker" as defined in the Commercial Real Estate Broker's Lien Act (Michigan Public Act 201 of 2010), for the purpose of selling, leasing or otherwise conveying an interest in the property. Broker is entitled to compensation pursuant to the agreement in the amount of \$ \_\_\_\_\_.

**Acquisition of Interest (Purchaser):**

Affiant entered into a written agreement with CENTURY 21 CURRAN & CHRISTIE, the "Broker" as defined in the Commercial Real Estate Broker's Lien Act (Michigan Public Act 201 of 2010), for the purpose of acquiring an ownership interest in the property, including but not limited to a leasehold interest in the property and/or improvements located thereon. Broker is entitled to compensation pursuant to the agreement in the amount of \$ \_\_\_\_\_.

**General Disclosure (Seller and Purchaser):**

Affiant has neither entered into a written agreement with, nor is Affiant aware of any individual who has entered into a written agreement with any "Broker" as defined in the Commercial Real Estate Broker's Lien Act (Michigan Public Act 201 of 2010), for the purpose of selling, leasing or otherwise conveying an interest in the property.


Affiants acknowledge that the Company is relying on the representations contained in this Affidavit in issuing its policy or policies of title insurance covering the property, and that the Company would not issue such policy or policies without exception to a Broker's right to lien unless these representations were made. In consideration of the Company's issuance of such policy or policies of title insurance, Affiants, jointly and severally agree to defend, hold harmless and indemnify the Company against all loss, damage or liability, including liability for reasonable attorneys' fee incurred under Conditions of its policy or policies resulting from the recording, enforcement or attempted enforcement of any commercial broker's lien pursuant to the Commercial Real Estate Broker's Lien Act (Michigan Public Act 201 of 2010).

Dated: April 21, 2017

**Purchaser(s):**

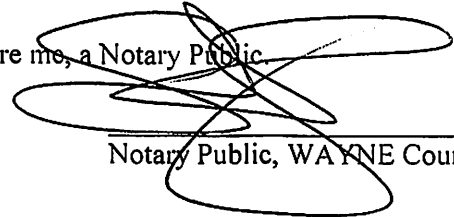
  
FERNANDO LOPEZ

**Seller(s):**

  
JOANNE E. SANOM, BY ALBERT C. SANOM, ATTORNEY IN FACT

  
ADRIANA SHAMAS

Subscribed and Sworn to before me, a Notary Public



Notary Public, WAYNE County, MICHIGAN

STACEY D. CORY  
Notary Public, Wayne County, MI  
My Commission Expires 5-5-2019  
Acting in Wayne County

**HOLD HARMLESS FOR CITY CERTIFICATION**

File Number: 44-00160

**PROPERTY ADDRESS: 3563 FORT ST., LINCOLN PARK, MI 48146**

**SELLER(S): JOANNE E. SANOM**

**PURCHASER(S): FERNANDO LOPEZ AND ADRIANA SHAMAS**

---

It is agreed by all parties that certain conditions required by the above referenced property's Municipality have not been completed in order to obtain a Certificate of Occupancy, or its equivalent. It is hereby understood and agreed that the Purchaser(s) will obtain any necessary inspections and take responsibility for the completion of any requirements set forth by the above referenced property's Municipality. All parties will hereby hold harmless Michigan Title Insurance Agency, Inc., Michigan Title North Agency, LLC, It's Underwriter, the Seller(s), the Listing Real Estate Office, if applicable, the Selling Real Estate Office, if applicable, and the Drafting Attorney, if applicable, for any costs or damages incurred relative to the ability to obtain the Certificate of Occupancy, or its equivalent, from the above referenced property's Municipality.

**IMPORTANT: ALL PARTIES ARE AWARE THAT FAILURE TO CONTACT THE APPROPRIATE MUNICIPALITY OFFICE MAY RESULT IN A PENALTY OR FINE WHICH COULD BE ASSESSED BY SAID MUNICIPALITY.**

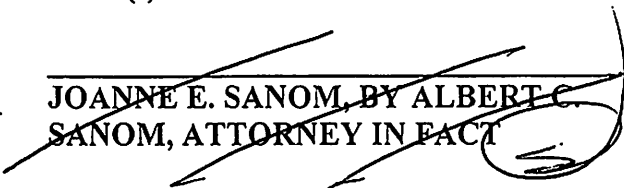
Dated: April 21, 2017

**Purchaser(s):**

  
\_\_\_\_\_  
FERNANDO LOPEZ

  
\_\_\_\_\_  
ADRIANA SHAMAS

**Seller(s):**

  
\_\_\_\_\_  
JOANNE E. SANOM, BY ALBERT C.  
SANOM, ATTORNEY IN FACT

Subscribed and Sworn to before me, a Notary Public.

  
\_\_\_\_\_  
Notary Public, WAYNE County, MICHIGAN

STACEY D. JURY  
Notary Public, Wayne County, MI  
My Commission Expires 5-5-2019  
Acting in Wayne County

**COMMERCIAL AFFIDAVIT AND INDEMNITY**  
**BY AGENTS**  
**RE: COMMISSIONS**

This Affidavit is executed for the benefit of Michigan Title Insurance Agency, Inc. and/or its Underwriter(s), their successors and/or assigns (collectively, the "Company") with respect to property located at 3563 FORT ST., LINCOLN PARK, MI 48146, more particularly described in the Company's File No. 44-00160 (the "property").

Affiants hereby state and acknowledge as follows:

Affiants acknowledge receipt of commissions and all monies due that relate to the real estate described in the title commitment referenced above, and hereby waive all lien rights, including, but not limited to those that may arise under the Commercial Real Estate Broker's Lien Act, Michigan Public Act 201 of 2010.

Affiants acknowledge that the Company is relying on the representations contained in this Affidavit in issuing its policy or policies of title insurance covering the property, and that the Company would not issue such policy or policies without exception to a Broker's right to lien unless these representations were made. In consideration of the Company's issuance of such policy or policies of title insurance, Affiants, jointly and severally agree to defend, hold harmless and indemnify the Company against all loss, damage or liability, including liability for reasonable attorneys' fee incurred under Conditions of its policy or policies resulting from the recording, enforcement or attempted enforcement of our right to a commercial broker's lien recorded pursuant to the Commercial Real Estate Broker's Lien Act, Michigan Public Act 201 of 2010.

Dated: April 21, 2017

Affiants:

\_\_\_\_\_  
CENTURY 21 CURRAN & CHRISTIE,  
BY BASEM KOMIS, LISTING AGENT



\_\_\_\_\_  
CENTURY 21 CURRAN & CHRISTIE,  
BY ROBERT PLATTE, SELLING AGENT

Subscribed and Sworn to before me, a Notary Public

  
\_\_\_\_\_  
Notary Public, WAYNE County, MICHIGAN

STACEY D. COURY  
Notary Public, Wayne County, MI  
My Commission Expires 5-5-2019  
Acting in Wayne County



**ADDENDUM TO PURCHASE AGREEMENT**

File Number: 44-00160

This addendum hereby becomes part of the purchase agreement on property located at:

Property Address: 3563 Fort St., Lincoln Park, MI 48146

All parties hereby agree that the above purchase agreement is being amended as follows:

- 1.) Owners Policy to be issued by Michigan Title Insurance Agency
- 2.) Late Fee if Payment not received within 15 days will be \$50.00 per payment

All other terms and conditions of the purchase agreement remain the same.

Dated: April 21, 2017

Purchaser(s):

  
\_\_\_\_\_  
FERNANDO LOPEZ

Seller(s):

  
\_\_\_\_\_  
JOANNE E. SANOM BY ALBERT C. SANOM,  
ATTORNEY IN FACT

  
\_\_\_\_\_  
ADRIANA SHAMMAS

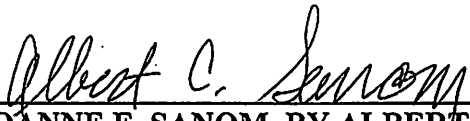
**AFFIDAVIT OF NO FACILITY TAX**  
**FOR INDUSTRIAL OR COMMERCIAL PROPERTY**

The undersigned, being first duly sworn, deposes and states as follows: *TO THE BEST OF MY KNOWLEDGE AS*

1. The property to be insured in file number 44-00160, issued by Michigan Title North Agency, LLC is not subject to either a Commercial or Industrial Facility Tax established under Act 198 of Public Acts of 1974 (MCL 207.551) or Act 255 of Public Acts of 1978 (MCL 207.651)

FURTHER DEPONENT SAYETH NOT.

Date: April 21, 2017

  
\_\_\_\_\_  
JOANNE E. SANOM, BY ALBERT C. SANOM,  
ATTORNEY IN FACT

SUBSCRIBED AND SWORN TO BEFORE ME, A NOTARY PUBLIC.

  
\_\_\_\_\_  
NOTARY PUBLIC, WAYNE COUNTY, MICHIGAN

Note (for information only)

1. The preamble to Act 198 of Public Acts of 1974 (MCL 207.551) states as follows:  
AN ACT to provide for the establishment of plant rehabilitation districts and Industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribed the contents of those certificates; to prescribed the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties.
2. The preamble to Act 255 of Public Acts of 1978 (MCL 207.651) states as follows:  
AN ACT to provide for the establishment of commercial redevelopment districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribed the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental unites; and to provide remedies and penalties.

STACEY D. COURY  
Notary Public, Wayne County, MI  
My Commission Expires 5-5-2019  
Acting in Wayne County

**NON-FOREIGN AFFIDAVIT**

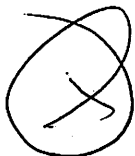
Section 1445 of the Internal Revenue Code of 1986, as amended, provides that a purchaser of a United States real property interest must withhold tax if the Seller is a foreign person. To inform the Purchaser that withholding of tax is not required upon our disposition of the United States real property interest, I, JOANNE E. SANOM, hereby certify the following:

1. I am not a nonresident alien for purposes of United States income taxation;
2. My US Social Security Number is: \_\_\_\_\_
3. My home address is:  
\_\_\_\_\_

I understand that this certification may be disclosed to the Internal Revenue Service by the Purchaser, and that any false statement I have made here could be punished by fine, imprisonment, or both.

Under penalties of perjury, I declare that I have examined this certification and, to the best of my knowledge and belief, it is true, correct, and complete.

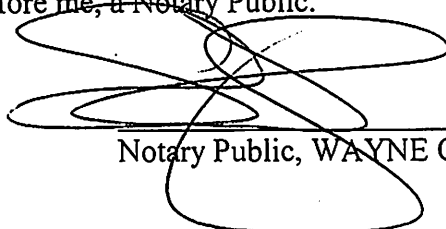
Dated: 04/21/2017



*Albert C. Sanom*

JOANNE E. SANOM, BY ALBERT C. SANOM,  
ATTORNEY IN FACT

Subscribed and Sworn to before me, a Notary Public.



Notary Public, WAYNE County, MICHIGAN

STACEY D. COURY  
Notary Public, Wayne County, MI  
My Commission Expires 5-5-2019  
Acting in Wayne County

# QUIT CLAIM DEED

MICHIGAN TITLE INSURANCE AGENCY, INC.  
File Number: 44-00160

JOANNE E. SANOM, A SINGLE WOMAN, BY ALBERT C. SANOM, HER ATTORNEY IN FACT, WHOSE POWER OF ATTORNEY IS HERETO ATTACHED AS EXHIBIT A, whose address is C/O Al Sanom, 2880 Robina Ave., Berkley, Michigan 48072, ("Grantor"), QUIT CLAIMS to JOANNE E. SANOM, A SINGLE WOMAN, whose address is C/O Al Sanom, 2880 Robina Ave., Berkley, Michigan 48072, a life estate and upon his/her death the remainder to KAREN ANN SANOM MILLER, ALBERT CHARLES SANOM, MICHAEL GEORGE SANOM, WILLIAM LIONEL SANOM AND PATRICK SCOTT SANOM, AS JOINT TENANTS WITH FULL RIGHTS OF SURVIVORSHIP,, whose address is 2345 Oxford, Apt 429, Berkley, Michigan 48072, as joint tenants with rights of survivorship (collectively "Grantees"), the following described premises situated in the CITY OF LINCOLN PARK, COUNTY OF WAYNE, State of Michigan, and is described as follows:

**\*SEE ATTACHED EXHIBIT A\***

Property Address: 3563 FORT ST., LINCOLN PARK, MI 48146

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act. The Grantor grants to the Grantee the right to make ALL division(s) under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967.

Together with all singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, for the sum of **EXEMPT UNDER MCL 207.505(a) AND MCL 207.526(a)**

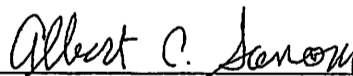
The Grantor reserves during the Grantor's lifetime a life estate coupled with an unrestricted power to convey the premises during Grantor's lifetime, pursuant to Land Title-Standard 9.3. Grantor reserves unto herself for and during her lifetime, the exclusive possession, use and enjoyment of the rents and profits of the property described herein. Grantor further reserves unto herself, for and during her lifetime, the right to sell, lease, encumber by mortgage, pledge, lien or otherwise manage and dispose, in whole or in part, or grant any interest therein, of the aforesaid premises by gift, sale or otherwise so as to terminate the interests of the Grantees, as Grantor, in her sole discretion, shall decide, except to dispose of said property, if any, by devise upon their deaths. Grantor retains the power to make the aforesaid dispositions, with or without consideration, without joinder by the remaindermen, and to retain absolutely any and all proceeds derived therefrom. Grantor further reserves the right to cancel this deed by further conveyance which may revoke any and all rights which the Grantees may possess under this deed. Grantees shall hold a remainder interest in the property described herein and upon the death of the Grantor, if the property described herein has not been previously disposed of prior to Grantor's death, all right and title to the property remaining shall fully vest in Grantees as joint tenants with rights of survivorship subject to such liens and encumbrances existing at that time.

To have and to hold the same together with all and singular the appurtenances thereunto belonging or in anyway appertaining and all the estate, right, title interest, lien, equity, and claim whatsoever of the said Grantor, either in law or equity, to the proper use and benefit of the said Grantees forever.

This Deed was prepared with information provided by the Grantor without the benefit of title insurance.

Subject to: Building and Use Restrictions and Easements of record, if any.

Dated: April 21, 2017



JOANNE E. SANOM, A SINGLE WOMAN, BY  
ALBERT C. SANOM, HER ATTORNEY IN FACT,  
WHOSE POWER OF ATTORNEY IS HERETO  
ATTACHED AS EXHIBIT A

STATE OF MICHIGAN  
COUNTY OF WAYNE

On this 04/21/2017, before me, a Notary Public in and for said County, personally appeared JOANNE E. SANOM, A SINGLE WOMAN, BY ALBERT C. SANOM, HER ATTORNEY IN FACT, WHOSE POWER OF ATTORNEY IS HERETO ATTACHED AS EXHIBIT A, to me known to be the same person (s) described in and who executed the foregoing instrument and then acknowledged the same to be his/her/their free act and deed.



Notary Public, WAYNE County, MICHIGAN

STACEY D. COURY

Notary Public, Wayne County, MI

My Commission Expires 5-5-2019

Acting in Wayne County

My Commission Expires:

Drafted By: Robert Hollander, Atty., 30300 Northwestern Hwy., Suite 304, Farmington Hills, Mi. 48334

Return To: JOANNE E. SANOM, C/O AL SANOM, 2880 ROBINA AVE, BERKLEY, MI 48072

**EXHIBIT A**

Lot 2048, except the Westerly 17.11 feet thereof deeded for widening of Fort Street. Emmon's Orchard Subdivision No. 2, as recorded in Liber 41, Page 88 of Plats, Wayne County Records.

Tax Identification Number(s): 45-012-08-1951-001 (FOR INFORMATIONAL PURPOSES ONLY, THE TAX LEGAL IS ASSESSED AS FOLLOWS: LOTS 1951 TO 1956 INCL EXC THE WLY 17.11 FT THEREOF ALSO LOT 2048 EXC THE WLY 17.11 FT THEREOF OF EMMONS ORCHARD SUBDN NO 2 L 41 P88 ALSO LOTS 675 AND 676 EXC THE WLY 17.11 THEREOF OF EMMONS ORCHARD SUBDN NO 1 L41 P81 EMMONS ORCHARD SUB NO. 2 PC 48 L41 P88 WCR)

**ESCROW AGREEMENT**

**File Number: 44-00160**

**Property Address:** 3563 FORT ST., LINCOLN PARK, MI 48146  
**Seller(s):** JOANNE E. SANOM  
**Purchaser(s):** FERNANDO LOPEZ AND ADRIANA SHAMAS  
**ESCROW AGENT:** MICHIGAN TITLE INSURANCE AGENCY, INC.

**WATER ESCROW**

The water bill is a Lien against this property and if unpaid, can be placed on the next tax roll and/or the service discontinued. It is therefore necessary that the escrow agent withhold from the seller's proceeds and place in escrow, the sum of \$400.00, which was the agreed amount sufficient to insure the final water bill is paid. Seller should, therefore, contact the Water Department either the day of closing or the day of vacating, according to the purchase agreement executed between the parties herein, and arrange for a final reading, pay the bill and forward the paid receipt to the escrow agent which will enable us to refund the water escrow without delay. To expedite the refund, IT IS IMPORTANT THAT the sellers provide us with their forwarding address as soon as it becomes available.

In the event the escrow agent has not received the receipted bill as herein provided by the time the Sellers vacate the property, then the escrow agent has the option to procure and pay the bill from the escrow fund and forward the receipted bill to the sellers. \*\*The escrow agent is acting to accommodate the buyer and seller, and therefore will not be responsible to pay the water or represent that amount withheld by us is sufficient to pay this bill.

**OCCUPANCY FEE REFUND REMINDER**

Received of above Seller(s), in accordance with the terms of the Purchase Agreement, the TOTAL ESCROW as calculated below:

Number of Days	Daily Rate	TOTAL ESCROW
N/A	\$0.00	\$0.00

as security for the occupancy charge. Said occupancy will commence on the day after closing and end in accordance to the number of days specified above, if not sooner terminated by seller. The Purchaser(s) shall be paid the amount due at the daily rate and the unused portion, if any as determined by the date, shall be returned to the seller when the property is vacated and the keys are surrendered to the Purchaser(s).

Your purchase agreement provides that the amount due each of you from the use and occupancy escrow shall be determined by the date the property is vacated and the keys are surrendered. For purposes of computation, the occupancy charge starts at 12:01 a.m. of the day after closing, and includes the day the keys are surrendered. Your checks will be mailed upon surrendering keys and/or submission of key release form. Should you desire to pick up your check please allow at least two (2) business days for processing.

**SELLER EMAIL:** \_\_\_\_\_ **SELLER PHONE:** \_\_\_\_\_

**SELLER FORWARDING ADDRESS:** \_\_\_\_\_

**ACKNOWLEDGEMENT**

In the event escrowed funds are undeliverable as described above, after 180 days Michigan Title Insurance Agency, Inc. will assess a monthly fee in the amount of \$25.00 to be charged against the escrowed funds representative of administrative fees. All funds received in this escrow, and any other funds received by Michigan Title Insurance Agency, Inc. in connection with the subject real estate transaction, shall be deposited with other escrow funds in one or more non-interest bearing escrow accounts of Escrow Agent in a state or national bank selected by Escrow Agent. Escrow Agent shall have no obligation to account in any manner to the parties to the escrow for value of any benefit received by Escrow Agent, directly or indirectly, by reason of the deposit of any such funds or the maintenance of such accounts with such bank, nor shall Escrow Agent have any obligation to pay any benefit to said parties. Such benefits may include, without limitation, credits allowed by such bank on loans to Escrow Agent or its parent company, and credits on accounting, reporting, and other services and products of such bank. Any such benefits shall be deemed additional compensation of Escrow Agent for its services in connection with this escrow. Escrow Agent shall not be liable for any delay in closing this escrow if the funds deposited in this escrow are not available for immediate withdrawal as a matter of right following deposit in such bank. Escrow Agent shall not be liable for any loss or impairment of said funds due to bank failure, insolvency, or suspension.

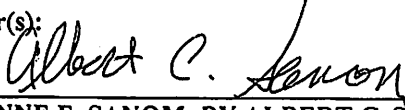
**We hereby acknowledge receipt of a copy of this document and agree to its terms.**

**Dated: April 21, 2017**

**Purchaser(s):**

\_\_\_\_\_  
**FERNANDO LOPEZ**

\_\_\_\_\_  
**ADRIANA SHAMAS**

**Seller(s):**  
  
\_\_\_\_\_  
**JOANNE E. SANOM, BY ALBERT C. SANOM,**  
**ATTORNEY IN FACT**

**SELLER'S/OWNER'S AFFIDAVIT AND INDEMNITY**  
**FOR COVERAGE WITHOUT STANDARD EXCEPTIONS**

PROPERTY ADDRESS: 3563 FORT ST., LINCOLN PARK, MI 48146

I/WE, being first duly sworn, on oath, depose and state that I/We own the property as described in File Number: 44-00160

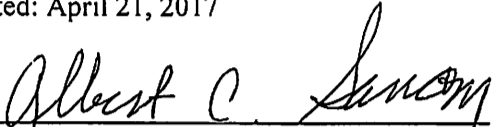
I/We have owned the property now being sold or mortgaged by me, and my/our enjoyment thereof has been peaceable and undisturbed and the title to said property has never been disputed to my knowledge, nor do I/we know of any facts by reason of which the title to, or possession of, said property might be disputed or by reason of which any claim to any of said property might be asserted adversely to me, and more particularly:

1. No party other than the Seller(s)/Owner(s) is in possession of all or any portion of the premises above described under any unrecorded leases, tenancy at will or otherwise.
2. The Seller(s)/Owner(s) during the time of ownership of the premises above described has/have conveyed no portion of the premises nor done any act or allowed any act to be done which has changed or could change the boundaries of the premises.
3. ~~The land has a single family house/condominium. No separate building, garage or apartment is used as a second residence.~~
4. The Seller(s)/Owner(s) has/have allowed no encroachments on the premises above described by any adjoining land owners nor has/have the undersigned encroached upon any property of adjoining land owners.
5. The Seller(s)/Owner(s) has/have allowed no easements, rights of way, continuous driveway usage, drain, sewer, water, gas or oil pipeline or other rights of passage to others over the premises above described and has/have no knowledge of such adverse rights.
6. The Seller(s)/Owner(s), at present, and for a period of 365 days past, has/have caused no construction, erection, alteration or repairs of any structures or improvements on the premises above cited to be done, nor has/have contracted for any material to be delivered to the premises for which charges therefor remain unpaid.
7. Any improvements we added to the land were authorized by a building permit.
8. We are not aware, and have not been told, that the improvements on the land violate any building permit, zoning, restrictions or covenants.
9. We are not aware, and have not been told, that the improvements on the land encroach over any building lines, easements or property lines.
10. We are not aware, and have not been told, that the improvements by our neighbors encroach over our property lines.
11. The land has actual pedestrian and vehicular access based on a legal right of access to the land.
12. There are no pending repairs or improvements to the street(s) adjacent to the land.
13. The Seller(s)/Owner(s) has/have no knowledge of any highways, abandoned roads, lanes, cemetery or family burial grounds, springs, streams, rivers, ponds, or lakes bordering or running through said premises.
14. The undersigned has no knowledge of any due taxes or special assessments. All tax exemptions claimed were lawful.
15. The undersigned has not allowed and knows of no violations of any covenants, restrictions, agreements, conditions or zoning ordinances affecting the premises.
16. That there are no pending suits, proceedings, judgments, bankruptcies, liens or executions against said owner, either in the aforesaid county or any other county in the aforesaid state.
17. ~~All assessments by the homeowners' association for the subdivision/condominium are paid current and outstanding assessments are not yet payable.~~

This affidavit is given to induce Michigan Title North Agency, LLC, and its underwriter, to issue its title insurance policy or policies without exception to claims of materialmen's, contractor's and laborers' liens, survey matters, special assessments and rights of parties in possession, and as an inducement therefor, said affiant agrees to indemnify and hold Michigan Title Insurance Agency, Inc., Michigan Title North Agency, LLC, and its underwriter, harmless of and from any and all loss, cost, damage and expense of every kind, including Attorney's fees, which said Michigan Title Insurance Agency, Inc., Michigan Title North Agency, LLC, and its underwriter, shall or may suffer or incur or become liable for under its said policy or policies now to be issued, or any reissue, renewal or extension thereof, directly or indirectly, as a result of any misrepresentation herewith.

We indemnify and hold harmless Michigan Title Insurance Agency, Inc., Michigan Title North Agency, LLC, and its underwriter, from any loss, liability, costs, expenses and attorneys' fee, including attorneys' fees to enforce this agreement, because of any errors or incorrectness of this affidavit and because of any defects, liens, encumbrances or other matters currently affecting or that may affect the title to the land before the recordation of our conveyance or the mortgage.

Dated: April 21, 2017

  
JOANNE E. SANOM, BY ALBERT C. SANOM,  
ATTORNEY IN FACT

Subscribed and Sworn to before me, a Notary Public.

  
Notary Public, WAYNE County, MICHIGAN

STACEY D. COURY  
Notary Public, Wayne County, MI  
My Commission Expires 5-5-2019  
Acting in Wayne County



PROPERTY ADDRESS: 3563 FORT ST., LINCOLN PARK, MI 48146  
AFFIDAVIT OF LIEN RIGHTS

The undersigned attest that they are the Owner(s) and Purchaser(s), or are an authorized representative of the Owner/Purchaser, who personally knows the facts that relate to the matters attested to herein. The undersigned(s) if an authorized representative(s) of the Owner/Purchaser attests that he/she is empowered by the Owner/Purchaser to bind the Owner/Purchaser to the representations and undertakings made herein. The undersigned, in consideration of Michigan Title Insurance Agency, Inc., Michigan Title North Agency, LLC, and its Underwriter, issuing its Policy(ies) of title insurance insuring an interest in or title to the real estate described herein, and being first duly sworn and oath, deposes, states and warrants as follows: *TO THE BEST OF MY ACTUAL KNOWLEDGE*

1. That Owner(s) is/are the fee simple owner of, or has/have an ownership interest that entitles owner to possession and occupancy of the real estate referred to herein and is referred to in Michigan Title Insurance Agency, Inc. Commitment Number 44-00160. *AS*
2. That Owner(s) is/are a citizen(s) of the United States, of legal age, has/have not been married or divorced since purchasing the real estate and has/have never been known by any other name other than that used herein.
3. That Owner(s) have never installed urea-formaldehyde foam insulation nor have any knowledge of its presence in the said property.
4. That Owners' possession of the real estate has been peaceable and undisturbed and the title to the real estate has never been disputed or questioned.
5. That no proceedings in bankruptcy or receivership are pending which were instituted by or against any Owner, and the Owner(s) have never made an assignment for the benefit or creditors.
6. That there is not any action or proceeding now pending in any State or Federal Court in the United States, to which the Owner(s) are a party; nor is there any State or Federal Court Judgment, State or Federal Tax Lien, or any other State or Federal lien of any kind or nature against an Owner, which could constitute a lien or charge upon the real estate.
7. That there are not any taxes and/or special assessments on the real estate which are not fully paid, including but not limited to assessments, tickets or violations for sidewalks, streets, weed cutting, board-up, etc., and Owner has not received any notice of such.
8. That there are not any unrecorded easements, party walls, agreements, or rights-of-way, which encumber the real estate.
9. That there has been no new construction or repair work performed on the real estate for at least 120 days.
10. That there are not any unpaid bills or claims for labor, services, or material; nor any recorded or unrecorded mortgage, construction or improvement loans, chattel mortgages, conditional bills of sale, retention of title agreements, security agreements, agreements not to sell or encumber, financing statements, or personal property leases; which affect the real estate or which affect any fixtures, appliances, or equipment now installed in or on the real estate.
11. That Owner(s) is/are in sole possession of the real estate, and that no other party has or claims a right of possession.
12. ~~Purchasers herein acknowledge the receipt of the Seller's Disclosure Statement.~~ *S*
13. The Purchaser(s) and Owner(s) herein acknowledge that the closing of this transaction is in full satisfaction of the Purchase Agreement on said property.

The Owner and Purchaser agree to hold Michigan Title Insurance Agency, Inc., and its Underwriter, harmless from any loss or claim arising because of title insurance protection provided a purchaser or lender in reliance in whole or in part on the completeness and correctness of the representations or attestations made herein.

Dated: April 21, 2017

Purchaser(s):

*Fernando Lopez*  
\_\_\_\_\_  
FERNANDO LOPEZ

Seller(s):

*Albert C. Sanom*  
\_\_\_\_\_  
JOANNE E. SANOM, BY ALBERT C.  
SANOM, ATTORNEY IN FACT

*Adriana Shamas*  
\_\_\_\_\_  
ADRIANA SHAMAS

Subscribed and Sworn to before me, a Notary Public.

*[Signature]*  
\_\_\_\_\_  
Notary Public, WAYNE County, MICHIGAN

STACEY D. COURY  
Notary Public, Wayne County, MI  
My Commission Expires 5-5-2019  
Acting in Wayne County

137947 / M 3627275



Administrative Offices  
Credit Union ONE  
400 E. Nine Mile Road  
Farmdale, Michigan 48220-1769  
Phone 248-398-1210  
2724

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Your savings account insured to \$250,000  
National Credit Union Administration a U.S. Government Agency

**NCUA**

10146542  
April 20, 2017

49-55/1031

Seventy-Three Thousand Five and 49/100 \*\*\*\*\*  
PAY TO THE ORDER OF  
MICHIGAN TITLE INSURANCE AGENCY, INC.

CASHIER'S CHECK

\$73,005.49

(SIGNATURE LINE)

*Sarah M. Moorey*

3563 FORT ST LINCOLN PARK MI 48146

Memo

PAYABLE THROUGH  
BOKF, NA  
EUFALTA, OK

⑈ 10146542⑈ ⑆ 10310055⑆ ⑆ 014001001890⑈



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
4/21/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> E.W. Smith Insurance Agency 1717 Fort Street  Wyandotte MI 48192-3544		<b>CONTACT NAME:</b> Jason Durbin <b>PHONE (A/C, No, Ext):</b> (734) 284-4141 <b>FAX (A/C, No):</b> (734) 284-9847 <b>E-MAIL ADDRESS:</b> jdurbin@ewsmith.com	
<b>INSURED</b> F/A PROPERTIES, LLC DBA TIRE MALL 3563 FORT ST LINCOLN PARK MI 48146-4114		<b>INSURER(S) AFFORDING COVERAGE</b> INSURER A: Auto-Owners INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

**COVERAGES**      **CERTIFICATE NUMBER:** 12FA0011      **2017-2018**      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSP	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:			04096853	04/21/2017	04/21/2018	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> RETENTION \$						<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE EACH OCCURRENCE \$ AGGREGATE \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	04096854	04/21/2017	04/21/2018	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 100,000 E.L. DISEASE - EA EMPLOYEE \$ 100,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

<b>CERTIFICATE HOLDER</b>  JOANNE E. SANOM 2880 ROBINA AVE BERKLEY, MI 48072-3810	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE Doug Ochmanek/CHEWET <b>Douglas G. Ochmanek</b>
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## 1770 Fort St – Get Well Urgent Care Site Plan Review

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**Applicant:** Nidal Hanmoud  
**Project:** Get Well Urgent Care  
**Address:** 1770 Fort Street, Lincoln Park, MI 48146  
**Date:** July 11, 2018  
**Request:** Site Plan Approval  
**Recommendation:**

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### GENERAL

*All elements of the site plan shall be designed to take into account the site's topography, the size and type of plot, the character of adjoining property, and the traffic operations of adjacent streets. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Zoning Code. The site plan shall conform with all requirements of this Zoning Code, including those of the applicable zoning district(s).*

### Project and Site Description

The applicant proposes to repurpose a former pharmacy into a Medical Clinic/Pharmacy. Located on Fort Street, the property would be a commercial use with a building area and property area of 5981 square feet.

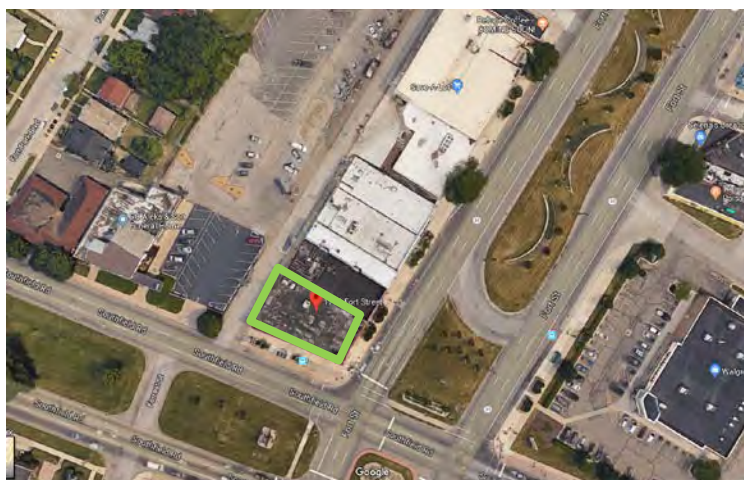


Figure 1: Aerial View

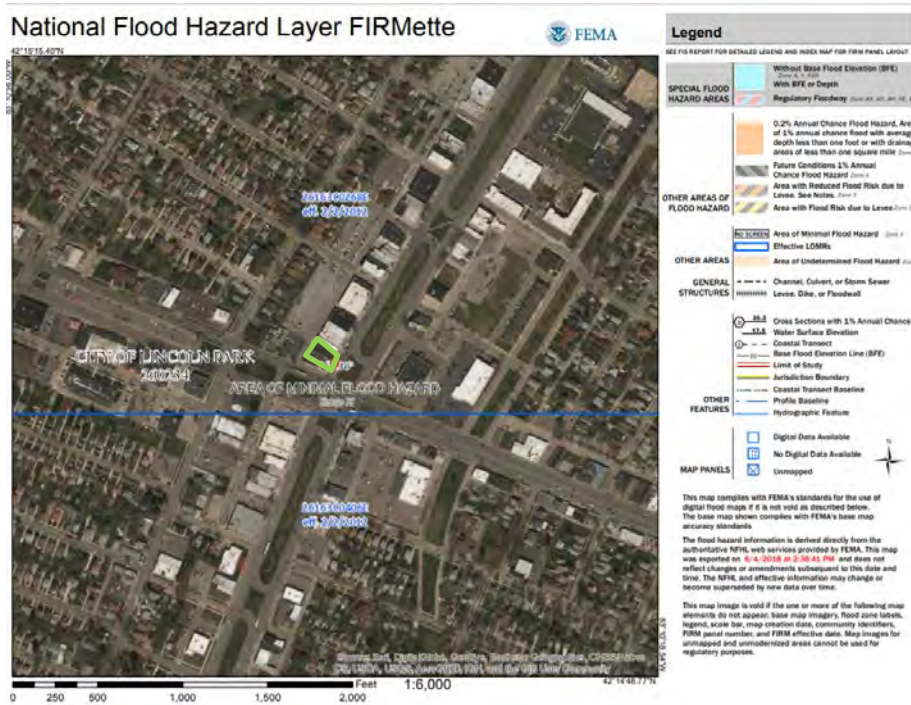


Figure 2: Flood Zone

*Site conditions*

The site has a vacant building on it which was formerly a pharmacy. The building is located on the corner of the two major roads in the City (Southfield Road and Fort Steet/M-85), and the building takes up the entire parcel. Sidewalks line both streets, and there are planters, benches, and trees in the public right-of-way. There is also one bus stop on Southfield Road. Adjacent land uses include a funeral home, a public parking lot, and Save-a-Lot. A Walgreens and the Lincoln Park Farmer’s Market are located across the street. There are not any areas on or near the property identified by FEMA as a floodplain.

**Master Plan**

*Future Land Use Classification*

The future land use classification is Downtown Commercial.

*Intent; Desirable Uses and Elements*

According to the master plan, the commercial heart of the City is found in the Downtown Commercial land use category. Restaurants, entertainment venues, and specialty retail stores should be the focus of this district. Businesses should welcome pedestrian traffic with attractive storefronts and outdoor seating. Parking for automobiles is ideally located on the street, behind buildings (shared parking lots), or in parking structures. Building in the downtown should project a strong “street presence,” with heights of two to three stories, detailed architecture, durable building materials, and minimal or zero front and side setbacks. The Downtown Commercial area includes a mix of land uses, including groundfloor retail and upper-floor office and residential uses, governed by specific design criteria to ensure compatibility.

Relevant master plan objectives that support this proposal:

- Preserve the good urban features of the downtown, such as the orientation of buildings to the street, while removing obsolete or unsafe structures.
- Focus commercial development toward existing commercial nodes (Downtown, Southfield/Dix, Dix/Champaign/I-75, Fort/Emmons)
- Encourage and enforce building maintenance and façade improvement programs.

**Land Use and Zoning**

*Zoning*

The site is zoned Central Business District. Medical offices of up to 10,000 square feet of gross floor area and pharmacies are principal permitted uses in the district.

“The Central Business District is designed and intended to promote the development of a pedestrian oriented and accessible central commercial service district in which a variety of retail, commercial, office, civic and residential uses are permitted. Each use shall be complementary to the stated function and purpose of the District and shall not have an adverse impact upon adjacent street capacity and safety, utilities, and other City services.”



Figure 3: Zoning Map

- Single Family Residential
- Multiple Family Residential
- Mobile Home Park
- Light Industrial
- General Industrial
- Planned Unit Development
- Neighborhood Business
- Municipal Business District
- Central Business District
- Regional Business
- Community Service

*Proposed and Existing Uses*

Site	Vacant building, previously a pharmacy; Central Business District
North (adjacent)	Public Parking; Central Business District
Northeast	Save-a-Lot; Central Business District
Southeast	ROW, then Walgreens; Central Business District
Northwest	Funeral home; Central Business District

**Dimensional Standards**

The dimensional requirements of the CBD district are described in the chart below. (§1294.32, except where noted.)

	Required	Provided	Compliance
Lot Width	30 ft. minimum	51.63'	Met
Street Frontage	Shrubbery and retaining walls: 2.5' < height < 8'	None	Met
Lot Area	3,000 sq. ft. minimum	5,981 sq. ft.	Met
Lot Coverage	100%	100%	Met
Height	Maximum: 3 stories, 40 ft. Minimum: 2 stories and 28 ft. (§1280.05)	25' 7 3/8"	Met
Setback – Front	Not applicable	0 ft.	Met
Setback – Sides	Not applicable	0 ft.	Met
Setback – Rear	Not applicable	0 ft.	Met

**Items to be addressed**

- The building height is less than the required 28 ft. as noted in §1280.05 of the Zoning Ordinance*

**BUILDING DESIGN**

*The building design shall relate to the surrounding environment in regard to texture, scale, mass, proportion, and color. High standards of construction and quality materials will be incorporated into the new development. In addition to following design guidelines adopted in specific district or sub-area plans, the building design shall meet the requirements of Section 1296.04, Standards for Architecture and Building Materials.*

Section 1296.04, Required	Compliance
<ul style="list-style-type: none"> <li>• Building mass, height, bulk and width-to-height ratio within 50-150% of buildings within 500'</li> </ul> 	Met
<ul style="list-style-type: none"> <li>• Architectural variety <i>This condition is met.</i></li> <li>• Similar materials and entrances to buildings within 500' <i>This condition is met.</i></li> </ul>	Met

Section 1296.04, Required	Compliance
<ul style="list-style-type: none"> <li>• Building materials: primarily natural products conveying permanence (brick, decorative masonry block, stone, or beveled wood siding) = 75% of each façade (industrial districts, 50% if facing ROW) <i>This condition is met</i></li> <li>• 25% may be glass, exterior insulation finish systems (EIFS), vinyl, aluminum, or steel siding; or similar synthetic or highly-reflective materials (industrial districts not facing public streets or freeways, these and pre-cast concrete or plain masonry block) <i>This condition is met</i></li> <li>• Natural colors (bright for decorative features only) <i>This condition is met</i></li> </ul>	Met
<ul style="list-style-type: none"> <li>• Façade: &lt;100' uninterrupted <i>This condition is not met</i></li> <li>• If &gt;100' = recesses, off-sets, angular forms, arches, colonnades, columns, pilasters, detailed trim, brick bands, contrasting courses of material, cornices or porches <i>This condition is met</i></li> <li>• All sides similar <i>This condition is met</i></li> </ul>	Met
<ul style="list-style-type: none"> <li>• Windows: vertical, recessed, visually-obvious sills <i>This condition is met</i></li> <li>• Spaces between windows = columns, mullions, or material found elsewhere on the façade <i>This condition is met</i></li> <li>• Front facades &gt; 25% windows <i>Southfield façade = 47%</i> <i>Fort St façade = 46%</i></li> <li>• Size, shape, orientation, spacing to match buildings within 500' <i>This condition is met</i></li> </ul>	Met
<ul style="list-style-type: none"> <li>• Main entrances: doors larger <i>This condition is met</i></li> <li>• Framing devices (overhangs, recesses, peaked roof forms, porches, arches, canopies, parapets, awnings, display windows, accent colors, tile work, moldings, pedestrian-scale lighting, distinctive door pulls) <i>This condition is met</i></li> </ul>	Met
<ul style="list-style-type: none"> <li>• Pitched / shingled roof forms suggested; overhanging eaves with slope of 0.5 to 1 <i>This condition is met</i></li> <li>• Rooflines &gt;100' = roof forms, parapets, cornice lines <i>This condition is met</i></li> <li>• Roof-top mechanical equipment screened by roof form. <i>This condition is met</i></li> </ul>	Met



1280.05, Required	Compliance
<ul style="list-style-type: none"> <li>• Building Entrances. All buildings shall have at least one public entrance that faces the street. Rear entrances are permitted only if there is a primary entrance from the main street. Doors measuring seven (7) and eight (8) feet high are strongly suggested. Doors measuring six (6) feet, eight (8) inches high shall have a glass transom with a minimum height of twelve (12) inches. <i>This condition is met.</i></li> <li>• First floor: minimum sixty percent (60%) of facade, seventy percent (70%) maximum covered with transparent glass. Glazing on first floor (retail space) to occur between two (2) feet, six (6) inches (minimum) and eight (8) feet (maximum) above sidewalk. <i>Southfield façade = 47%; proposal doubles existing fenestration</i> <i>Fort St façade = 46%; proposal triples existing fenestration</i></li> <li>• Vertical window orientation shall have a ratio of one (1) wide to two (2) high minimum and shall be consistent with adjacent buildings. Each shutter to be mounted on either side of a window shall be equal to one-half (½) of the width and one (1) times the height. <i>This condition is met.</i></li> </ul>	<p>Substantially Met</p>
<ul style="list-style-type: none"> <li>• Building materials. Buildings are to be constructed from permanent materials that will weather handsomely over time, such as brick, stone, masonry, or other natural materials. Buildings with multiple storefronts shall be unified through the use of architecturally compatible materials, colors, details, awnings, signage, and lighting fixtures. <i>This condition is met.</i></li> <li>• Exterior colors. Exterior colors shall be compatible with the colors on adjacent buildings, subject to review and approval by the Planning Commission. Proposed colors shall be specified on the site plan. Bright or fluorescent colors are prohibited. Samples of building materials and colors are required at the time of site plan review for review and approval of the Planning Commission. Site plan reviews may be tabled for lack of building samples. <i>This condition is met.</i></li> </ul>	<p>Met</p>
<ul style="list-style-type: none"> <li>• Side or Rear Facade Design. Wherever a side or rear facade is visible from a public street, the facade shall be designed to create a pleasing appearance, in accordance with the following design criteria: Materials and architectural features similar to those present on the front of the building shall be used on the side or rear facade. All visibly exposed sides of a building shall have an articulated base course and cornice. The base course shall align with either the kickplate or sill level of the first floor. The cornice shall terminate or cap the top of a building wall, and may project out horizontally from the vertical building wall plane and may be ornamented with moldings, brackets and other details. The middle section of a building may be horizontally divided at the floor, lintel, or sill level with belt or string courses. <i>This condition is met.</i></li> <li>• Waste receptacle and service areas shall be completely screened with a decorative masonry wall as approved by the Planning Commission. <i>Not applicable, no waste receptacle planned.</i></li> <li>• On every site involving new development or redevelopment, foundation plantings adjacent to the building shall be provided. <i>This condition is not met.</i></li> </ul>	<p>Met</p>

1280.05, Required	Compliance
<ul style="list-style-type: none"> <li>• All awnings must be made from canvas fabric or similar water-proofed material, rather than metal, aluminum, plastic, or rigid fiberglass. <i>This condition is met</i></li> <li>• All awnings shall be attached directly to the building, rather than supported by columns or poles. <i>This condition is met.</i></li> <li>• In buildings with multiple storefronts, compatible awnings should be used as a means of unifying the structure. <i>Not applicable</i></li> </ul>	Met
<ul style="list-style-type: none"> <li>• Lighting. Exterior lighting must be placed and shielded so as to direct the light onto the site and away from adjoining properties. <i>This condition is met.</i></li> <li>• The lighting source shall not be directly visible from adjoining properties. Floodlights, wall pack units, other types of unshielded lights, and lights where the lens is visible outside of the light fixture, shall be prohibited, except where historic-style lighting is used that is compatible with existing historic-style lamps approved by the Planning Commission. <i>This condition is met.</i></li> <li>• Sidewalks and parking areas shall be properly lit to facilitate the safe movement of pedestrians and vehicles and provide a secure environment. In pedestrian areas, the light intensity shall average a minimum of two (2)-foot candles, measured five (5) feet above the surface. <i>This condition is met.</i></li> </ul>	Met
<ul style="list-style-type: none"> <li>• Parking. None planned</li> </ul>	Met
<ul style="list-style-type: none"> <li>• Lots for apartment and non-residential uses shall balance the functional requirements of parking with the provision of pedestrian amenities. Transition areas between parking and civic, commercial or residential uses shall be designed with textured paving, landscaping and street furniture.</li> </ul>	Met
<ul style="list-style-type: none"> <li>• Building Setback. Buildings shall be built at lot lines with no setbacks, or the average setback of other buildings on the block, as determined by the Planning Commission. <i>This condition is met.</i></li> </ul>	Met
<ul style="list-style-type: none"> <li>• Building Height. The minimum height of all buildings shall be two (2) stories and twenty-eight (28) feet. Both stories shall contain habitable commercial, office, or residential space. <i>Building is 1 story and 24', with a projecting peak of 31'. This condition is substantially met</i></li> </ul>	Substantially Met
<ul style="list-style-type: none"> <li>• Building Mass. Buildings located at gateways entering the Central Business District shall mark the transition into and out of the downtown in a distinct fashion, using massing, additional height, contrasting materials and architectural embellishments to obtain this effect. Buildings on corner lots shall be considered more significant structures, since they have at least two (2) front facades visibly exposed to the street. The Planning Commission may require additional height and architectural embellishments, such as corner towers, relating to their location. <i>This condition is met.</i></li> </ul>	Met
<ul style="list-style-type: none"> <li>• Service Access. A service alley or designated loading space shall be reserved at the rear of the building <i>This condition is met</i></li> </ul>	Met

1280.05, Required	Compliance
<ul style="list-style-type: none"> <li>• Mechanical Equipment. All air conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing and satellite dishes and other telecommunications receiving devices shall be thoroughly screened from view from the public right-of-way and from adjacent properties, by using walls, fences, roof elements, penthouse-type screening devices or landscaping. <i>This condition is met.</i></li> <li>• Fire escapes not permitted <i>This condition is met.</i></li> <li>• Solid metal security gates or solid roll-down metal windows shall be prohibited <i>This condition is met.</i></li> </ul>	<p>Met</p>

Overall, the building design brings the façade much closer into compliance with the standards of 1280.05 than the existing conditions. Window coverage was the largest departure from the standards, and transparency has been substantially increased on both street-facing facades of the building. Mullions have been added to the windows in order to approach the required width-to-length ratio of 1:2. In addition, the façade of the building which faces the parking lot is proposed to be upgraded with similar materials to those on the building’s front. The building does not reach the minimum height of 28’ and two stories, but it comes quite close for a one-story building (24’, with a projecting peak reaching 31’).

A previous iteration of this site plan, which was less compliant with the CBD standards, was presented to the Lincoln Park DDA for comment. No formal action was taken at the meeting, and a summary of comments indicated mixed response. Most salient to the Planning Commission’s consideration are:

- 33% of members present indicated that they felt the economic benefit of activating the building outweighed the benefit of adhering to the standards
- A member of the Lincoln Park Preservation Alliance indicated that the Alliance intends to apply for a historic preservation district, and that this building has significance to the district and should be designed to preserve and restore that significance. (Note: the regulatory context here is aspirational rather than enforceable)

**Items to be addressed**

*None*

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**PRESERVATION OF SIGNIFICANT NATURAL FEATURES**

*Judicious effort shall be used to preserve the integrity of the land, existing topography, and natural, historical, and architectural features as deemed in this Zoning Code, in particular flood hazard areas and wetlands designated/regulated by the Michigan Department of Environmental Quality, and, to a lesser extent, flood hazard areas and wetlands which are not regulated by the Department.*

This site is not designated as a flood zone, does not have any wetlands, or any other sensitive natural features. The architectural quality will be preserved and enhanced as prescribed in Section 1296.04

**Items to be addressed**

*None.*

**SIDEWALKS, PEDESTRIAN AND BICYCLE CIRCULATION**

*The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets and sidewalks/ pedestrian or bicycle pathways in the area. There shall be provided a pedestrian circulation system which is separated from the vehicular circulation system. In order to ensure public safety, special pedestrian measures, such as crosswalks, crossing signals and other such facilities may be required in the vicinity of primary and secondary schools, playgrounds, local shopping areas, fast food/ service restaurants and other uses which generate a considerable amount of pedestrian or bicycle traffic.*

There are wide public sidewalks along both existing public streets as well as two marked, signalized crosswalks in both directions at the intersection of Fort Street and Southfield Road. There are also pedestrian benches installed around three flowering planters within the public right-of-way.

Sidewalks shall be brought up to City code.

**Items to be addressed**

- Sidewalks shall be brought up to city code*

**PARKING**

*The number and dimensions of off-street parking [spaces] shall be sufficient to meet the minimum required by this Zoning Code. However, where warranted by overlapping or shared parking arrangements, the Planning Commission may reduce the required number of parking spaces, as provided in this Zoning Code.*

Use	Required	Proposed	Compliance
	This site is exempt from parking requirements due to its proximity to a public lot (1288.05)	None	Met

	Required	Proposed	Compliance
<b>Parking Area Type B §1290.05</b>	Adequate means of ingress and egress shall be provided and shown <i>There are not on-site parking facilities or driveways accessing the site.</i>	None	Met
	Parking facilities, access drives, and maneuvering aisles shall be hard surfaced with concrete or plant-mixed bituminous material, maintained in a usable dustproof condition and graded and drained appropriately <i>There are not on-site parking facilities or driveways accessing the site.</i>	None	Met
	Concrete curbs and gutters <i>This condition is met</i>	Curb and Gutter line both streets	Met
	When adjoining residential property and/or a residential street or alley: 6' solid masonry wall, ornamental on both sides, with bumper guards <i>Not applicable</i>	Not Applicable	Met
	All street boundaries of such parking facilities, where residential property is located on the opposite side of the street, shall be treated the same as set forth in Section 1290.04, Off-Street Parking A Areas; Residential Districts Adjoining Business or Industrial Districts. <i>Not applicable</i>	Not Applicable	Met
	Entrance only from the adjoining principal use or adjoining alley; no use of street for backing or maneuvering <i>This condition is met.</i>	Building entrance on Fort Street and the alley.	Met
	In all cases where such parking facilities abut public sidewalks, a wall or curb at least six (6) inches high, or steel posts twenty-four (24) to thirty (30) inches high and not more than five (5) feet apart, set three (3) feet in concrete, shall be placed thereon so that a motor vehicle cannot be driven or parked with any part thereof extending within two (2) feet of a public sidewalk. <i>Not applicable</i>	Not Applicable	Met

**Items to be addressed**

*None*

**BARRIER-FREE ACCESS**

*The site has been designed to provide barrier-free parking and pedestrian circulation.*

Required Spaces	Required Barrier-Free Spaces	Proposed Barrier-Free Spaces	Compliance
This site is exempt from parking requirements due to its proximity to a public lot (1288.05)			Met

There are accessible entrances planned at the front entrance and the alley entrance. By looking at aerial photography, it appears that there are wheel chair accessible cut outs and surfaces between the public parking lot and the building entrance.

**Items to be addressed**

*None*

**LOADING**

*All loading and unloading areas and outside storage areas, including refuse storage stations, shall be screened in accordance with this Zoning Code.*

Gross Floor Area	Loading Spaces – Required	Loading Spaces – Provided	Compliance
5981 sq. ft.	1	1	Met

**Items to be addressed**

*None*

**ACCESS, DRIVEWAYS, AND VEHICULAR CIRCULATION**

*Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets, parking and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points. All driveways shall meet the design and construction standards of the City. Access to the site shall be designed to minimize conflicts with traffic on adjacent streets, particularly left turns into and from the site. For uses having frontage and/or access on a major traffic route, as defined in the City of Lincoln Park Comprehensive Development Plan, the number, design, and location of access driveways and other provisions for vehicular circulation shall comply with the provisions of Section 1290.10, Access Management Standards.*

With the exception of the alley, there are no proposed traffic access points or circulation on the site. The building footprint takes up the entire site. This site is exempt from parking requirements due to its proximity to a public lot (1288.05)

Required	Provided	Compliance
<ul style="list-style-type: none"> <li>• Single two-way driveway or pair of one-way driveways <i>not applicable</i></li> <li>• Two-way: 25' &lt; throat width &lt; 30' (face to face of curb). One-way paired: each 20' measured perpendicularly. May be separated by 10' median; sidewalks shall be continued or maintained <i>not applicable</i></li> <li>• 25' radii; 30' radii where daily truck traffic expected</li> <li>• Corner lots: one access point per street with &gt;100' frontage <i>not applicable</i></li> <li>• If frontage &gt;300' and documented need (ITE), may allow additional access with design restrictions <i>not applicable</i></li> <li>• If frontage &gt;600', max of 3 drives may be allowed; one with design restrictions <i>not applicable</i></li> </ul>	<p>No driveways are provided.</p>	<p>Met</p>
<ul style="list-style-type: none"> <li>• Shared access: driveways along property lines, connecting parking lots, on-site frontage roads, rear service drives. Encouraged and may be required for sites within 1/4 mile of major intersections; having dual frontage; with &lt;300' frontage; with sight distance problems; along congested or accident-prone roadway segments <i>not applicable</i></li> <li>• Connection to adjacent facilities may be required; site accommodation may be required for future connection to undeveloped adjacent property <i>not applicable</i></li> <li>• Letters of agreement or access easements required <i>not applicable—no easements needed</i></li> </ul>	<p>not applicable</p>	<p>Met</p>
<ul style="list-style-type: none"> <li>• Triangular unobstructed view areas: from corner of two ROWs, 25' along each; from corner of ROW and driveway, 10' along driveway and 5' along ROW <i>This condition is met</i></li> <li>• Grass / groundcover only in 3' strip abutting driveway and ROW <i>not applicable</i></li> <li>• Trees permitted if trimmed between 30" and 6' from ground level <i>This condition is met</i></li> </ul>	<p>Unobstructed views, and the trees appear to the trimmed about 6 ft. from the ground.</p>	<p>Met</p>

Required	Provided	Compliance
<ul style="list-style-type: none"> <li>• May require drive to be located on the far side of the property from congested intersections</li> <li>• &gt;150' from signalized intersection or 4-way stop, or right-turn-only at 75' from intersection</li> <li>• &gt;100' otherwise</li> <li>• &gt;200' from centerline of I-75 access ramps</li> </ul>	Conditions not applicable, no driveways proposed	Met
<ul style="list-style-type: none"> <li>• Same side of street: Driveway spacing determined by speed limits in §1290.10</li> <li>• Across the street: Driveways directly aligned or &gt;150' offset (excludes right-turn-only)</li> <li>• Directional driveways, divided driveways, and deceleration tapers and/or by-pass lanes may be required by the Planning Commission where they will reduce congestion and accident potential</li> </ul>	Conditions not applicable, no driveways proposed	Met

**Items to be addressed**

*None*

**EMERGENCY VEHICLE ACCESS**

*All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the Fire Department and Police Department.*

There is emergency vehicle access from the alley. In email communications the police department noted that they have no issues with the Urgent Care moving forward.

**Items to be addressed**

*None*

**STREETS**

*All streets shall be developed in accordance with the City of Lincoln Park Subdivision Control Ordinance and construction standards, unless developed as a private road in accordance with the requirements of the City.*

Not applicable, as no new streets are being created or improved as a part of this project.

**Items to address**

*None*



### LANDSCAPING, SCREENING, AND OPEN SPACE

*The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Zoning Code. Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. Landscaping, landscape buffers, greenbelts, fencing, walls and other protective barriers shall be provided and designed in accordance with the provisions of Section 1296.03, Landscaping Standards. Recreation and open space areas shall be provided in all multiple-family residential and educational developments.*

	Required	Proposed	Compliance
Street Landscaping	Greenbelt, 10' width minimum with groundcover	Not applicable; sidewalks occupy greenbelt space	Not Applicable
	1 tree and 4 shrubs per 40' of street frontage	Not applicable; landscaping is part of DDA	Not Applicable
	Where headlights from parked vehicles will shine into the ROW, may require a totally obscuring hedge <i>Not applicable</i>	Not applicable	Not Applicable
Interior Landscaping	10% of total lot area landscaped, including groundcover <i>Not applicable</i>	Not applicable, 100% lot coverage.	Not Applicable
	Interior landscaping to be grouped near entrances, foundations, walkways, service areas	Not applicable, 100% lot coverage.	Not Applicable
	1 tree per 400 sf of required landscaping and 1 shrub per 250 sf of required landscaping <i>Not applicable</i>	Not applicable, 100% lot coverage.	Not Applicable
Parking Lot	1 deciduous or ornamental tree per 10 parking spaces	Not applicable, no parking proposed or required.	Not Applicable
	100 sf of planting area per tree	Not applicable, no parking proposed or required.	Not Applicable
Screening	Waste receptacle: Decorative masonry wall of at least 6' with solid or impervious gate	Not applicable. Only waste receptacle shown on site plan is in the public right-of-way.	Not Applicable
	Abutting residential: greenbelt, 15' with 5' evergreens (PC may waive); solid 6' masonry wall ornamental on both sides	Not applicable	Not Applicable

1280.05, Required	Compliance
<ul style="list-style-type: none"> <li>Landscaping. On every site involving new development or redevelopment, street trees with a minimum caliper of two and one-half (2 ½) inches shall be provided at twenty-five (25) foot intervals. Any of the following street trees with a minimum caliper of two and one-half (2 ½) inches shall be planted within the road right-of-way at twenty-five (25) foot intervals: Norway Maple, Red Maple, Green Ash, Bradford Pear, or Little Leaf Linden, subject to review and approval by the Planning Commission.</li> </ul>	<p>Not Applicable</p>

**Items to be addressed**

None

**SOIL EROSION CONTROL**

*The site shall have adequate lateral support so as to ensure that there will be no erosion of soil or other material. The final determination as to adequacy of, or need for, lateral support shall be made by the Building Superintendent or City Engineer.*

Site is already fully developed and built out. No planned changes to building footprint. The final determination as to adequacy of, or need for, lateral support shall be made by the Building Superintendent or City Engineer.

**Items to Address**

None

**UTILITIES**

*Public water and sewer facilities shall be available or shall be provided for by the developer as part of the site development, where such systems are available.*

Site is already fully developed and built out with existing water and sewer infrastructure. No planned changes to building footprint. The site plan has been reviewed by the City Engineer, and the following comments were received:

*Based on the site plan submitted all existing utilities and leads are being reused. It is important that the developer realize these existing utilities are very old and may have reached their life expectancy. It is our strong recommendation for the developer to at least videotape the existing sewer lead to determine its condition prior to performing any new renovation on the building. If the service lead needs to be replaced the installation of the new service will need to be inspected by our office. The developer should verify with the City the existing sanitary service type and size. If it is undersized for the proposed building use it must be placed. The developer's engineer or architect shall determine the sanitary service lead capacity.*

*The developer should verify with the City the existing water service type and size. If it is a lead service or if the service is undersized for the proposed building use, it should be replaced. The developer's engineer or architect shall determine the water service lead capacity.*

#### Items to be addressed

- Applicant to videotape existing sewer lead to determine its condition prior to performing any new renovation on the building; if needed, installation of the new service shall be inspected by City engineer*
- Applicant shall verify with the City the existing sanitary service type and size; shall determine the sanitary service lead capacity; and shall replace if it is undersized for the proposed building use*
- Applicant shall verify with the City the existing water service type and size; shall determine the water service lead capacity; and shall replace if it is a lead service or if the service is undersized for the proposed building use*

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#### STORMWATER MANAGEMENT

*Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater which complements the natural drainage patterns and wetlands, prevent erosion and the formation of dust. Sharing of stormwater facilities with adjacent properties shall be encouraged. The use of detention/ retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water.*

*There are no easements for public right-of-way, utilities, access, or shared access. Site is already fully developed and built out with existing water and sewer infrastructure. No planned changes to building footprint.*

#### Items to be addressed

*None.*

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#### LIGHTING

*Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.*

There are 14 shielded, wall mounted, downward-directed lights planned. There are also 2 existing light poles in the public right-of-way on the sidewalk abutting Southfield Rd.

#### Items to be addressed

*None*

## NOISE

*The site has been designed, buildings so arranged, and activities/equipment programmed to minimize the emission of noise, particularly for sites adjacent to residential districts.*

Windows will be insulated. The building is constructed with noise canceling materials. The nature of the activities at this site are not expected to produce much noise and the building is not adjacent to a residential use.

### Items to be addressed

*None*

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## MECHANICAL EQUIPMENT

*Mechanical equipment, both roof and ground mounted, shall be screened in accordance with the requirements of this Zoning Code.*

No mechanical equipment is proposed

### Items to be addressed

*None*

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## SIGNS

*The standards of the City's Sign Code are met.*

Signs will be located on the building along the alley, Southfield Rd, and Fort Street. The largest sign is 24.4' in width and 2.5' in height. It will be illuminated with LED lights. Signage provided on this site plan is for reference only, and site plan approval shall not constitute approval of any sign.

### Items to be addressed

- Signage shall be permitted by the Building Department according to the Lincoln Park Building Code*
- 

## HAZARDOUS MATERIALS OR WASTE

*For businesses utilizing, storing or handling hazardous material such as automobile service and automobile repair stations, dry cleaning plants, metal plating industries, and other industrial uses, documentation of compliance with state and federal requirements shall be provided.*

No hazardous substances or polluting materials will be used or stored on-site in quantities greater than 25

planning review



gallons per month. Hazardous substances and polluting materials will be stored in their own utility closet inside the urgent care, under lock and key in approved containers, and will be picked up monthly for disposal by a third party.

#### Items to be addressed

*None*

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#### SITE DESIGN STANDARDS FOR USES PERMITTED AFTER SPECIAL APPROVAL

*All applicable standards for uses permitted after special approval are met.*

This use does not require a special use permit.

#### Items to be addressed

*None*

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#### OTHER AGENCY REVIEWS

*The applicant has provided documentation of compliance with other appropriate agency review standards, including, but not limited to, the Michigan Department of Natural Resources, Michigan Department of Environmental Quality, Michigan Department of Transportation, Wayne County Drain Commission, Wayne County Health Department, and other federal and state agencies, as applicable.*

Review has been conducted by the Lincoln Park Police department. Reviews will also need to be conducted by the Wayne County Drain Commission, Wayne County Health Department, and other federal and state agencies, as applicable.

#### Items to be addressed

- Applicant to secure all appropriate permits from Wayne County Drain Commission, Wayne County Health Department, and other federal and state agencies, as applicable.*
- 

#### VARIANCES

Not applicable. No variances are needed.

#### Items to be addressed

None

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## RECOMMENDATIONS

### Findings

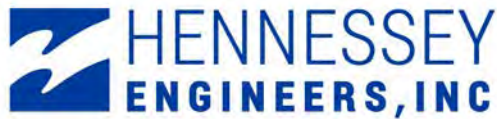
The site plan is in substantial compliance with §1296.01 of the Lincoln Park Zoning Code.

### Conditions

- Sidewalks shall be brought up to city code*
- Applicant to videotape existing sewer lead to determine its condition prior to performing any new renovation on the building; if needed, installation of the new service shall be inspected by City engineer*
- Applicant shall verify with the City the existing sanitary service type and size; shall determine the sanitary service lead capacity; and shall replace if it is undersized for the proposed building use*
- Applicant shall verify with the City the existing water service type and size; shall determine the water service lead capacity; and shall replace if it is a lead service or if the service is undersized for the proposed building use*
- Signage shall be permitted by the Building Department according to the Lincoln Park Building Code*
- Applicant to secure all appropriate permits from Wayne County Drain Commission, Wayne County Health Department, and other federal and state agencies, as applicable.*

### Recommendations

It is recommended that the Lincoln Park Planning Commission approve the proposed site plan for an urgent care facility at 1770 Fort St, with the conditions herein.



June 27, 2018

Ms. Leah DuMouchel, AICP  
Beckett & Raeder, Inc.  
535 West William St. Suite 101  
Ann Arbor, MI, 48103-4978

**Re: Get Well Urgent Care - Downriver  
1770 Fort Street  
City of Lincoln Park, MI  
Hennessey Project 72106**

Dear Ms. DuMouchel:

Hennessey Engineers, Inc. completed our first review of the Preliminary Plan based on the plan plan submittal date of May 14, 2018, and received via email from you.

The proposed development is a conversion of an existing commercial development to a Urgent Care Center. The water and sewer services are existing and will be reused.

Listed below are some comments which should be addressed in the Preliminary Plan approval but would not be grounds for a reason for denial from an engineering feasibility standpoint:

1. There are maybe be broken sidewalk around the property that is unsafe and in need of repair.
2. Based on the site plan submitted all existing utilities and leads are being reused. It is important that the developer realize these existing utilities are very old and may have reached their life expectancy. It is our strong recommendation for the developer to at least videotape the existing sewer lead to determine its condition prior to performing any new renovation on the building. If the service lead needs to be replaced the installation of the new service will need to be inspected by our office. The developer should verify with the City the existing sanitary service type and size. If it is undersized for the proposed building use it must be placed. The developer's engineer or architect shall determine the sanitary service lead capacity.
3. The developer should verify with the City the existing water service type and size. If it is a lead service or if the service is undersized for the proposed building use, it should be placed. The developer's engineer or architect shall determine the water service lead capacity.
4. The parking lot for this facility is City owned and maintained.

**Get Well Urgent Care-Downriver  
1770 Fort Street  
City of Lincoln Park, MI  
Hennessey Project 72106**

**Page 2  
June 27, 2018**

If the site plan meets all other Planning Commission requirements the Planning Commission could approved the Preliminary Plan. From an engineering feasibility our office does not have any issues with the approval of the Preliminary Site Plan submittal. Therefore, from the engineering feasibility review it would be our recommendation for the **“approval”** of the Preliminary Site Plan. If there will not be any utility or other site improvements we will not need to perform a detailed engineering review.

If you have any questions, please do not hesitate to contact me.

Sincerely,

**HENNESSEY ENGINEERS, INC**



James D. Hollandsworth, P.E., P.S.  
Lincoln Park Project Manager  
JDH/bd

cc: John Kozuh, DPW Director, City of Lincoln Park  
John J. Hennessey, Hennessey Engineers, Inc.  
Ryan Kern, Hennessey Engineers, Inc.

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## Leah DuMouchel

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**From:** Ray Watters <RWatters@citylp.com>  
**Sent:** Tuesday, May 29, 2018 12:44 PM  
**To:** Leah DuMouchel  
**Subject:** RE: Request for Site Plan Review: 1770 Fort St - Get Well Urgent Care

Leah

The police department has no issues with the Urgent Care moving forward. Let me know if you need anything further.

Chief R.Watters

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**From:** Leah DuMouchel [mailto:ldumouchel@bria2.com]  
**Sent:** Tuesday, May 29, 2018 11:15 AM  
**To:** Fire Chief; Irenda Lockhart; Robert Wright; Ray Watters; Krystina Erdos; John Kozuh; jdhollandsworth@engineers.com  
**Cc:** John Meyers; Laura Gray  
**Subject:** Request for Site Plan Review: 1770 Fort St - Get Well Urgent Care

Good morning! Please find attached, and at the link below, a site plan submittal for Get Well Urgent Care at 1770 Fort St. **Your review is requested by Monday, June 4** for inclusion in the Planning Commission packet. If the electronic copy doesn't work for you, please contact Laura Gray in the Building Department at [lgray@citylp.com](mailto:lgray@citylp.com) and she can help you get a hard copy. Thank you!!

<https://www.dropbox.com/sh/d9cwlxnrp4qm2e/AACrF26lnW1siE8y85aTBToca?dl=0>

Leah DuMouchel, AICP  
Senior Associate

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City of Lincoln Park Planning and Development

## DDA Consideration: 1770 Fort St – Get Well Urgent Care

*June 11, 2018*

### Request

The Planning Commission requests a comment from the DDA on a proposed site plan at 1770 Fort St. The proposed use is an urgent care facility. The site plan as proposed does not comply with the Development Standards for the Central Business District (Section 1280.05 of the Lincoln Park Zoning Code).

These standards are considerably more detailed than the standards in other parts of the code because they are designed to create a specific look and function in the Lincoln Park's core. They are very effective at producing the intended result, but this "intended result" is often quite different from what is already built in downtown Lincoln Park. That means that the changes required to meet them are often extensive and costly. As the City's advocates for quality development, the Planning Commission and the DDA must consider the ordinance requirements, the existing conditions, and the proposal for the site to determine the best outcome for the City. It would be best, of course, if all aspects of the ordinance were met all of the time. It is within the City's purview, however, to determine where that is not possible and evaluate accordingly. One example of this would be the requirement that all buildings in the CBD be at least 2 stories or 28' tall: it is acceptable for the City to recognize that existing one-story buildings will not have an entire second story added just to get through site plan review, as we have done in the case of 1770 Fort St. This reflects the balance between *community development* and *economic development* that we must navigate in order to get to *quality development*.

At 1770 Fort St., the requirements for windows are the biggest issue. Only about a third of the required transparency has been designed into the façade, which would not even meet the standards that apply to all buildings (including those outside the Central Business District). In conversation with the applicant's architect, it sounds as though it would be possible to add some more window area to the design, but it is not anticipated that the full 60% is possible. Therefore, the Planning Commission will be called upon to decide whether to permit this development, which will re-activate a main building in the City's central core and will certainly be an improvement over the existing conditions, but will not contribute substantially to the walkable, destination-oriented, visually interesting qualities that the City's downtown plan calls for; or to deny the development, which will preserve the opportunity for a use that is more compatible with the adopted downtown vision but will forgo this viable business opportunity that has been brought to the city. Because the building in question is one of a handful of the most significant buildings in the City due to its location, this decision should be made with the DDA's input.

Questions for the DDA to consider:

- Is the design acceptable as presented?
- If the design must be revised to be acceptable, what would the minimum acceptable level of transparency be?
- Would it be acceptable to have different percentages of transparency on the Fort St. façade and the Southfield Road façade? What would be the minimum acceptable level for each?

### Considerations

The following tables show the code requirements, proposed features, and compliance.

Section 1296.04, Required	Compliance
<ul style="list-style-type: none"> <li>Windows: vertical, recessed, visually-obvious sills <i>This condition is met</i></li> <li>Spaces between windows = columns, mullions, or material found elsewhere on the façade <i>This condition is met</i></li> <li>Front facades &gt; 25% windows <i>This condition is not met</i></li> <li>Size, shape, orientation, spacing to match buildings within 500' <i>This condition is met</i></li> </ul>	Not Met

1280.05, Required	Compliance
<ul style="list-style-type: none"> <li>Building Entrances. All buildings shall have at least one public entrance that faces the street. Rear entrances are permitted only if there is a primary entrance from the main street. Doors measuring seven (7) and eight (8) feet high are strongly suggested. Doors measuring six (6) feet, eight (8) inches high shall have a glass transom with a minimum height of twelve (12) inches. <i>This condition is met.</i></li> <li>First floor: minimum sixty percent (60%) of facade, seventy percent (70%) maximum covered with transparent glass. Glazing on first floor (retail space) to occur between two (2) feet, six (6) inches (minimum) and eight (8) feet (maximum) above sidewalk. <i>Transparency measurements: Fort St façade = 16.6%; Southfield façade = 20.5%. This condition is not met.</i></li> <li>Vertical window orientation shall have a ratio of one (1) wide to two (2) high minimum and shall be consistent with adjacent buildings. Each shutter to be mounted on either side of a window shall be equal to one-half (1/2) of the width and one (1) times the height. <i>This condition is not met.</i></li> </ul>	Not Met
<ul style="list-style-type: none"> <li>Building Height. The minimum height of all buildings shall be two (2) stories and twenty-eight (28) feet. Both stories shall contain habitable commercial, office, or residential space. <i>Building is 1 story and 24'. This condition is not met</i></li> </ul>	Not Met

Transparency is the main goal that is not being met in this proposal. The purpose of requiring substantial transparency in a building façade in the Central Business District is to add visual interest to the public realm by creating a relationship between the street and the interior of the buildings. It has a significant effect on walkability: studies have shown that people will walk much further along routes that provide visual interest and potential destinations. The window requirements are strong in this district because walkability is a primary intended feature of it.

It may be argued that the window requirements present a conflict with the proposed use of the building; i.e., that it is not desirable for an Urgent Care facility to have such visibility into the building. This argument is indirectly supported by the fact that medical uses are not listed among the *intended or desirable* uses for the district laid out in the Lincoln Park Comprehensive Development Plan, though they are permitted

(excerpt below). If it is found that the window requirements are incompatible with the use, the intent of the district and the Comprehensive Development Plan indicate that the zoning regulation should prevail.

Excerpt from Staff Report:

*Intent; Desirable Uses and Elements*

According to the master plan, the commercial heart of the City is found in the Downtown Commercial land use category. Restaurants, entertainment venues, and specialty retail stores should be the focus of this district. Businesses should welcome pedestrian traffic with attractive storefronts and outdoor seating. Parking for automobiles is ideally located on the street, behind buildings (shared parking lots), or in parking structures. Building in the downtown should project a strong "street presence," with heights of two to three stories, detailed architecture, durable building materials, and minimal or zero front and side setbacks. The Downtown Commercial area includes a mix of land uses, including groundfloor retail and upper-floor office and residential uses, governed by specific design criteria to ensure compatibility.

Relevant master plan objectives that support this proposal:

- Preserve the good urban features of the downtown, such as the orientation of buildings to the street, while removing obsolete or unsafe structures.
- Focus commercial development toward existing commercial nodes (Downtown, Southfield/Dix, Dix/Champaign/I-75, Fort/Emmons)
- Encourage and enforce building maintenance and façade improvement programs.

As can be seen from the report excerpt, some of the master plan goals are met by the proposal, though not all. Goals from the 2015 Downtown Strategic Plan are equally inconclusive. The Collective Prioritization shows that nightlife, entertainment, and mixed-use developments are top priorities, but so are new businesses and occupied buildings. The site is a high-priority development site, but the use does not match any of the high-priority development types (page 13). The implementation plan calls for concentrating projects in the core area and preserving historic buildings and cohesive urban fabric.

Overall, this proposal is asking City leaders, in this case the Planning Commission and the DDA, to consider

1. Whether the proposal meets the standards well enough to be considered at all; and
2. Whether the proposed economic impact of the use is sufficient to meet the goals of the zoning standards which are not being met by the proposal.

## Leah DuMouchel

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**From:** Giles Tucker <GTucker@citylp.com>  
**Sent:** Friday, June 15, 2018 4:23 PM  
**To:** Leah DuMouchel  
**Cc:** Matthew Coppler  
**Subject:** RE: 1770 Fort St - Package for DDA consideration

Hi Leah,

I wanted to provide you with some the feedback I received from yesterday's DDA meeting. No formal action was taken in the form of a voted on resolution. In general, here is my assessment of the thoughts and opinions expressed at this meeting.

- At least 2/6 members present felt that we should not uphold the 60% window/façade requirement. In general, their attitude was that the building hasn't been active in 11 years and was purchase for \$600k, it would be a shame if we lost this opportunity.
- At least 3/6 members present felt that the current design for the façade was inappropriate/inadequate. The amount of window space was a part, but not whole of their dissatisfaction with the proposal. I made it clear that this was an issue of design standards, not of use. However, use remained an issue for these members. I perceived that they had an issue less on the basis of getting at least 60% glass façade, but more on the lack of interesting or inviting architectural design that the use.
- Councilman Dardzinski in the audience, and also outside of City Hall after the meeting was very angry that this use was being considered. He felt that this use should be placed closer to the hospital on Outer Drive. He also said that the fact that this proposal is in front of us today is that we do not have a full time Economic Development professional in addition to a full time DDA Director. He feels like it is the responsibility of this role to dissuade development and encourage it in other spaces. I attempted to explain that we could resolve this issue by amending our zoning code, but I don't know if that this suggestion was accepted. Be prepared for a vocal opponent to this development. The Planning Commission should be aware of the significance of forgoing aspects of the CBD design standards.
- LPDDA Director Leslie Lynch-Wilson has several issues with the proposal. Leslie stated that the Lincoln Park Preservation Alliance plans to apply for a historic preservation district. According to her, this building has historical significance, and the façade should be designed to preserve and restore its unique architectural significance.

This proposal is an example of how badly we need a zoning code that reflects the planning documents. Medical offices are not a desirable use according to the Comprehensive Development Plan and the LPDDA 2015 Strategic Plan, yet they are a principal permitted use within this district. This incongruence between the community vision and our code is injecting some unnecessary combativeness between Committee members and even Council members.

Giles Tucker  
Executive Director  
City of Lincoln Park Economic Development Corporation  
City of Lincoln Park Downtown Development Authority  
City of Lincoln Park Brownfield Redevelopment Authority  
(313) 386-1800 ext.1289



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**From:** Leah DuMouchel [mailto:ldumouchel@bria2.com]  
**Sent:** Tuesday, June 12, 2018 9:43 AM  
**To:** Giles Tucker <GTucker@citylp.com>  
**Subject:** 1770 Fort St - Package for DDA consideration

Hi, Giles! Please find attached the elevations for 1770 Fort St, and a narrative describing the PC's request. If we can, let's walk through this process no matter how un-ideal so that we can get the lines of communication open between the DDA and PC. We can chat about it this afternoon. Thanks!

Leah DuMouchel, AICP  
Senior Associate

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# Lincoln Park Preservation Alliance

P.O. Box 743  
Lincoln Park, MI 48146

June 19, 2018

Leah DuMouchel, AICP  
Senior Associate  
Beckett & Raeder, Inc.  
535 W. William Street, Suite 101  
Ann Arbor, Michigan

Dear Leah,

Lincoln Park Preservation Alliance is opposed to the proposed façade renovations of 1770 Fort Street, Lincoln Park. 1770 Fort Street, also known as its historic name of the Woolworth Dime Store Building, is a historically significant building within the National Register of Historic Places-Eligible North Fort Street Historic District.

Although we support a facade renovation of this building, the proposed façade renovations would drastically alter the historic facade. The building is historically significant due to its association with the dime store chain, F. W. Woolworth Company, a national dime store chain that was in operation from the early 20th century to the late 1990s in many parts of the US. The building is architecturally significant due to its Spanish Mission Style façade and details.

Any adverse effects to this building would jeopardize plans to get a portion of the downtown area listed as a National Register of Historic Places Historic District as well as jeopardize federal historic preservation tax credits for property owners, including 1770 Fort Street, in the proposed historic district.

The 2015 Downtown Strategic Plan also calls for preserving historic buildings.

We would love to work with the property owner and their architect for a more suitable façade renovation.

Sincerely,



Leslie Lynch-Wilson  
President  
Lincoln Park Preservation Alliance  
PO Box 743  
Lincoln Park, MI 48146  
[lincolnparkpreservationalliance@hotmail.com](mailto:lincolnparkpreservationalliance@hotmail.com)

# PROJECT DATA

PROPOSED WORK:  
 INTERIOR/EXTERIOR REMODEL TO THIS UNOCCUPIED EXISTING BUILDING (USED TO BE A PHARMACY).  
 - NEW USE TO BE AN URGENT CARE / MEDICAL CLINIC / PHARMACY

• ALL - MECHANICAL - ELECTRICAL - PLUMBING WORK REQUIRES SEPARATE PERMITS.

SITE ZONING: = CBD (CENTRAL BUSINESS DISTRICT)

PROPOSED TENANT SPACE USE GROUP: = B-BUSINESS (CLINIC-OUTPATIENT)  
 M-MERCANTILE (PHARMACY)

CONSTRUCTION TYPE: = TYPE 11-B

FIRE SPRINKLER SYSTEM: = NO

BUILDING AREA = 5,981 SF

PROPERTY AREA = 5,981 SF

PARKING = REQUIRED:  
 7 SPACES FOR EVERY 1000 SF GROSS:  
 5981 SF GROSS / 1000 = 5.98 X 7 = 42 SPACES  
 PROVIDED:  
 CITY PARKING OFF SITE (SEE LOCATION MAP THIS PAGE)

PROPOSED TENANT SPACES:  
 URGENT CARE = 2,765 SF  
 PM&R CLINIC = 1,000 SF  
 PHARMACY = 1,000 SF  
 SHARED LOBBY = 1,000 SF  
 OTHER = 216 SF  
 TOTAL = 5,981 SF

- APPLICABLE CODES:
- BUILDING 2012 MICHIGAN BUILDING CODE (IBC 2012)
  - PLUMBING 2012 MICHIGAN PLUMBING CODE (IPC 2012)
  - HVAC 2012 MICHIGAN MECHANICAL CODE (IMC 2012)
  - GAS 2012 MICHIGAN MECHANICAL CODE (IFGC 2012)
  - ELECTRICAL 2014 NATIONAL ELECTRICAL CODE (NEC 2014) W/ MICHIGAN AMENDMENTS
  - ACCESSIBILITY MICHIGAN BARRIER FREE - ICC/ANSI A117.1-2009
  - FIRE MICHIGAN FIRE PREVENTION CODE 2012 (IFC 2012)
  - ENERGY 2009 MICHIGAN UNIFORM ENERGY CODE (IECC, 2009)
  - ZONING THE CITY OF LINCOLN PARK ZONING ORDINANCE

# GENERAL NOTES

- CONTRACTORS SHALL BE RESPONSIBLE FOR FIELD VERIFYING ALL EXISTING CONDITIONS & DIMENSIONS & THOROUGHLY REVIEWING CONTRACT DOCUMENTS PRIOR TO DEMOLITION, ACQUIRING MATERIALS & CONSTRUCTION. IF THE CONTRACTOR FINDS DISCREPANCY BETWEEN THE EXISTING CONDITIONS & THE DRAWINGS THAT POSE A PROBLEM OR REQUIRES CLARIFICATION ABOUT ANY ONSITE OR DESIGN ISSUES, THEY MUST NOTIFY THE DESIGN PROFESSIONAL TO REQUEST CLARIFICATION.
- IF THE CLIENT AND/OR CONTRACTORS MAKE A DECISION TO ALTER THE DESIGN IN THESE CONSTRUCTION DOCUMENTS, THE CLIENT / CONTRACTOR RECOGNIZE THAT ANY ISSUES ARISING FROM THESE CHANGES ARE IN NO WAY THE RESPONSIBILITY OF THE DESIGN PROFESSIONAL.
- ALL CONSTRUCTION SHALL BE ACCORDING TO CURRENT STANDARDS AND SPECIFICATIONS OF THE STATE OF MICHIGAN, THE CITY WHEREIN THIS PROJECT IS LOCATED, ALL APPLICABLE INDUSTRY STANDARDS, ASTM CLASSIFICATIONS AND MANUFACTURER SPECIFICATIONS.
- EACH SUBCONTRACTOR SHALL BE RESPONSIBLE FOR THOROUGHLY CHECKING AND VERIFYING EXISTING FIELD CONDITIONS, MEASUREMENTS, CONTRACT DOCUMENTS AND CONFIRMING THAT ALL PROPOSED WORK IS BUILDABLE, AS SHOWN ON THESE PLANS, BEFORE THE COMMENCEMENT OF WORK.
- ALL SUBCONTRACTORS SHALL VISIT THE SITE AND RIGOROUSLY REVIEW THESE CONSTRUCTION DOCUMENTS TO CONFIRM THAT THEIR BIDS ARE ACCURATE AND THAT THEIR COSTS HAVE BEEN ADEQUATELY COVERED. THE OWNER IS NOT RESPONSIBLE FOR EXTRA COMPENSATION DUE TO REASONABLY AVOIDABLE IGNORANCE OF THE EXISTING CONDITIONS AND PROPOSED WORK.
- SUBCONTRACTORS ARE RESPONSIBLE FOR THE SAFETY PRECAUTIONS, MEANS, METHODS, AND TECHNIQUES OF CONSTRUCTION RELATING TO THEIR WORK, AND FOR THE LACK THEREOF.
- SUBCONTRACTORS SHALL BE RESPONSIBLE FOR ALL PERMITS, PERMIT FEES, INSPECTION FEES, AND APPROVAL OF THEIR WORK FROM THE REQUIRED LOCAL, STATE OR FEDERAL AGENCIES. SUBCONTRACTORS SHALL COORDINATE ALL WORK WITH THE GENERAL CONTRACTOR.
- EACH SUBCONTRACTOR SHALL OBTAIN AND MAINTAIN THE REQUIRED FORMS OF INSURANCE RELATED TO THE WORK.
- THE DRAWINGS SHALL NOT BE SCALED TO DETERMINE EXACT DIMENSIONS. SCALING SHALL ONLY BE USED TO DETERMINE APPROXIMATE DIMENSIONS.
- BEGINNING THE APPLICATION OF A FINISHED MATERIAL MEANS THAT THE SUBCONTRACTOR ACCEPTS THE SUB-MATERIAL AS SATISFACTORY AND TAKES RESPONSIBILITY FOR THE APPEARANCE OF THE FINISHED MATERIAL.
- ALL INSTALLATION OF FINISH MATERIALS AND EQUIPMENT SHALL MEET THE MANUFACTURERS SPECIFICATIONS AND THE SPECIFICATIONS LISTED ON THESE CONSTRUCTION DOCUMENTS.
- MILLWORK CONSTRUCTION SHALL CONFORM WITH AWI STANDARDS FOR PREMIUM MILLWORK. DRAWINGS SHALL INDICATE MILLWORK DESIGN INTENT ONLY. FABRICATOR IS RESPONSIBLE FOR PROPER DESIGN AND EXECUTION.
- EACH SUBCONTRACTOR SHALL BE RESPONSIBLE FOR SUPPLYING THE OWNER WITH ALL MAINTENANCE AND OPERATION MANUALS, WARRANTIES AND GUARANTEES ON ALL EQUIPMENT AND MATERIALS.
- THE GENERAL CONTRACTOR SHALL OBTAIN THE CERTIFICATE OF OCCUPANCY FROM THE APPROPRIATE REGULATORY AGENCY.
- IF THE CLIENT AND/OR CONTRACTORS MAKE A DECISION TO ALTER THE DESIGN IN THESE CONSTRUCTION DOCUMENTS, THE CLIENT/CONTRACTOR RECOGNIZE THAT ANY ISSUES ARISING FROM THESE CHANGES ARE IN NO WAY THE RESPONSIBILITY OF THE DESIGN PROFESSIONAL.

# ABBREVIATIONS

ADJ. ADJUSTABLE	DBL. DOUBLE	F.D. FLOOR DRAIN	INSUL. INSULATION	R.A. RETURN AIR	T. TREAD
A.F.F. ABOVE FINISH FLOOR	DM. DIAMETER	FDM. FOUNDATION	INT. INTERIOR	R.D. ROOF DRAIN	T.B.D. TO BE DETERMINED
ALUM. ALUMINUM	DISP. DISPENSER	F.F. FINISH GRADE	JT. JOINT	REF. REFERENCE	T.B.S. TO BE SELECTED
ALTN. ALTERNATE	DN. DOWN	FIN. FINISH	LAV. LAVATORY	REQD. REQUIRED	TEL. TELEPHONE
ASPH. ASPHALT	DR. DOOR	FLR. FLOOR	MAX. MAXIMUM	RM. ROOM	THK. THICK
BD. BOARD	DTL. DETAIL	FLOR. FLOURESCENT	MCH. MECHANICAL	R.O. ROUGH OPENING	T.O. TOP OF
BLDG. BUILDING	DWG. DRAWING	FRMG. FRAMING	MEMB. MEMBRANE	S.A. SUPPLY AIR	T.O.C. TOP OF CURB
BM. BEAM	DR. DRAWER	FT. FEET	MTL. METAL	S.C. SOLID CORE	T.O.W. TOP OF WALL
B.O. BOTTOM OF	E.A. EACH	FTG. FOOTING	MIR. MIRROR	SCHD. SCHEDULE	T.S. TUBE STEEL
BOT. BOTTOM	E.J. EXPANSION JOINT	FUR. FURNITURE	MISC. MISCELLANEOUS	SECT. SECTION	TYP. TYPICAL
C.T. CERAMIC TILE	E.A. EACH	FUR. FURNITURE	NO. NUMBER	S.F. SQUARE FEET	UR. URINAL
CL. CLOSET	ELEC. ELECTRICAL	G.A. GAUGE	N.T.S. NOT TO SCALE	SH. SHOWER	VERT. VERTICAL
C.M.U. CONCRETE MASONRY UNIT	ELEV. ELEVATION	GALV. GALVANIZED	O.A. OVERALL	SHR. SHOWER	VTR. VENT-THRU ROOF
C.O. CLEAN OUT	ENCL. ENCLOSURE	GYP. RD. GYP. BOARD	O.C. ON CENTER	SM. SIMLAR	W/W WITH
COL. COLUMN	EQ. EQUIPMENT	H.W.R. HARDWARE	OPP. OPPOSITE	SPEC. SPECIFICATION	W/O WITHOUT
CONC. CONCRETE	EQ. EQUIPMENT	H.W.R. HARDWARE	OPF. OFFSET	SQ. SQUARE	W.C. WATER CLOSET
CONN. CONNECTION	EXIST. EXISTING	H.M. HOLLOW METAL	OSB. ORIENTED STRAND BOARD	STL. STEEL	WD. WOOD
CONT. CONTINUOUS	EXP. EXPANSION	HT. HEIGHT	P.NLG. PANELING	STOR. STORAGE	WT. WEIGHT
CONTR. CONTRACTORS	EXT. EXTERIOR	HT. HEIGHT	PAR. PARAFET	SUSP. SUSPENDED	W. CENTERLINE
CORR. CORRIDOR	EXT. EXTERIOR	HT. HEIGHT	PARTN. PARTITION	SVM. SYMMETRICAL	Ø DIAMETER
CTR. CENTER	EXT. EXTERIOR	HT. HEIGHT	PLAS. PLASTER	P.V.C. POLYVINYL CHLORIDE	Ø PROPERTY LINE
C.W. COLD WATER					AT

# GET WELL URGENT CARE-DOWNRIVER

1770 FORT ST, LINCOLN PARK, MI 48146

TAX PARCEL I.D.#:

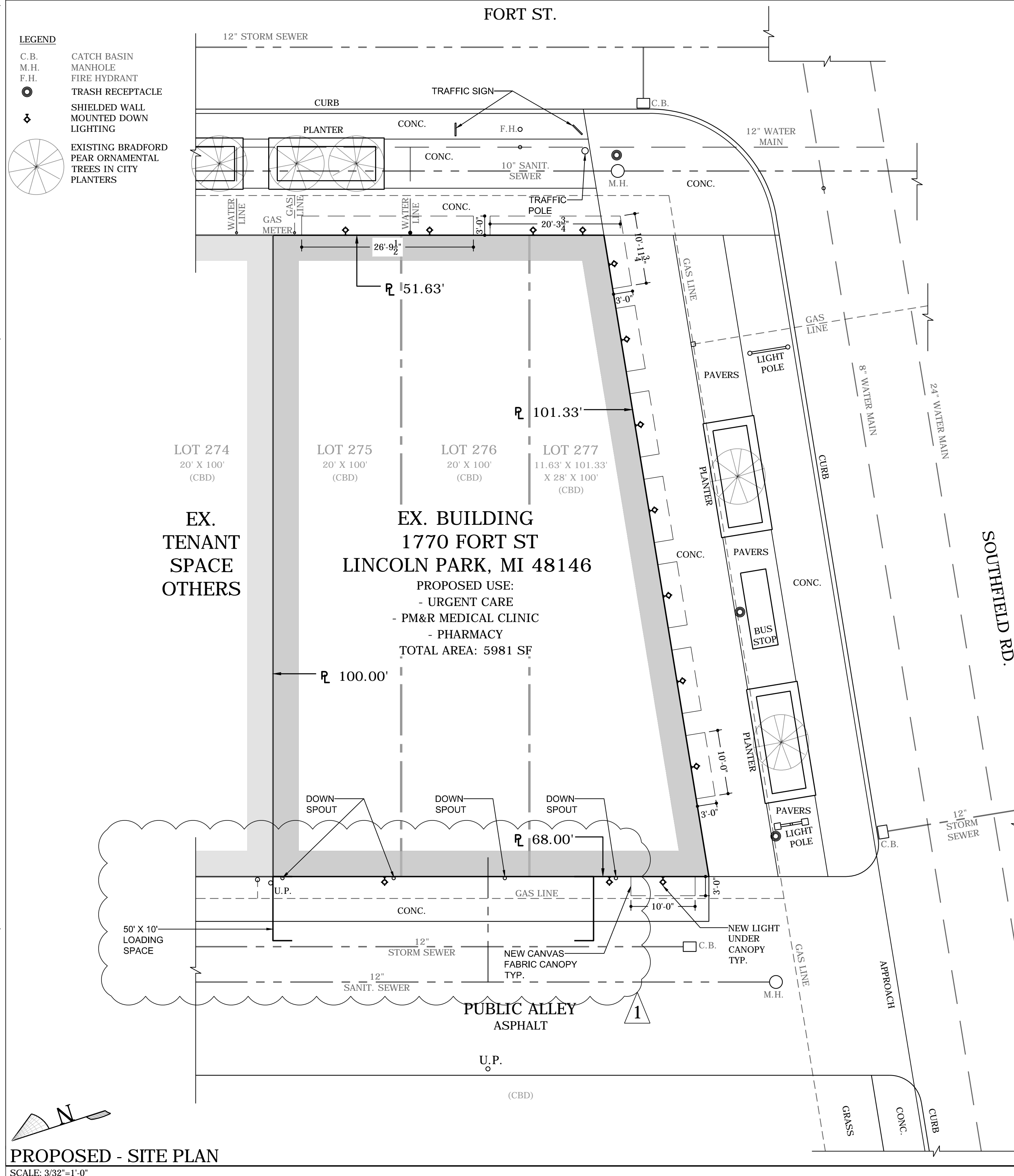
45 006 06 0275 000

ASSESSOR LEGAL DESCRIPTION:

ED275 276 277 LOTS 275 276 AND 277 ASSESSORS FORT SUPERHIGHWAY SUB NO. 8 PC 119 L63 P29 WCR

# SITE PLAN NOTES

ONLY A BOUNDARY SURVEY CAN DETERMINE THE EXACT SIZE AND/OR LOCATION OF THE PROPERTY LINES, AND THE EXACT BUILDING LOCATION. ALL DIMENSIONS ON THIS SITE PLAN MUST BE VERIFIED IN ORDER TO BE DEEMED ACCURATE. ALL CONDITIONS SHOWN ON THIS SITE PLAN ARE EXISTING. NO NEW EXTERIOR WORK IS PROPOSED UNLESS SPECIFICALLY STATED AS NEW OR PROPOSED ON THE PLAN. THE SIGN CONTRACTOR SHALL APPLY FOR A SEPARATE PERMIT FOR SIGNAGE. THE SIGN SHALL COMPLY WITH EXTERIOR COLOR STANDARDS AND SIGN REQUIREMENTS. ALL PROPOSED EXTERIOR LIGHTING SHALL BE SHIELDED DOWN (SEE PHOTOMETRIC PLAN FOR ALL ADDITIONAL LIGHTING INFORMATION). ALL UTILITIES PRESENTED ON THIS PLAN MUST BE VERIFIED FOR ACCURACY. ALL AWNING SHALL BE CANVAS FABRIC. REPAIR AND MAINTAIN PUBLIC SIDEWALK PER CITY CODE.



PROPOSED - SITE PLAN

SCALE: 3/32"=1'-0"

# SHEET INDEX

ARCHITECTURAL		
T101	TITLE PAGE PROPOSED - SITE PLAN	3/32" = 1'-0"
A101	PROPOSED - PRELIMINARY FLOOR PLAN (SPATIAL LAYOUT) PROPOSED - PHOTOMETRIC PLAN	3/16" = 1'-0" 3/32" = 1'-0"
A201	EXISTING - SOUTH ELEVATION (PHOTO) PROPOSED - SOUTH ELEVATION COLOR PROPOSED - SOUTH ELEVATION	N.T.S. 1/4" = 1'-0" 1/4" = 1'-0"
A202	EXISTING - WEST & EAST ELEVATIONS (PHOTOS) PROPOSED - WEST & EAST ELEVATIONS	N.T.S. 1/4" = 1'-0"

# ZIAD EL-BABA ENGINEERING

674 GAUTHIER  
 TECUMSEH ONTARIO  
 N8N3P8 CANADA  
 CELL - 313-938-8767  
 MOBILE - 519-796-9882  
 FAX - 519-979-3535

PROJECT/DWNER

# GET WELL URGENT CARE - DOWNRIVER

ADDRESS  
 1770 FORT ST  
 LINCOLN PARK, MI 48146

COMMISSION  
 COMMERCIAL RENOVATION



Phone: 313-492-5347  
 Fax: 313-429-3215

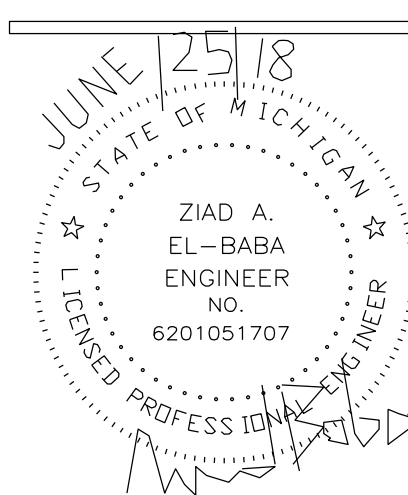
Mhadia@hadladesign.com  
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 Dearborn MI 48126



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SEAL



DATE

05.14.2018

SITE PLAN REVIEW

ISSUE

06.25.2018 SITE PLAN REVIEW REV.

WORK BY

PROJ. MGR. M. HADLA

PROJ. TEAM M. HADLA

Z. EL-BABA

CHECKED BY

Z. EL-BABA

PAGE SIZE

ARCH D - 24X36

DRAWING TITLE

TITLE SHEET

PROPOSED:

• SITE PLAN

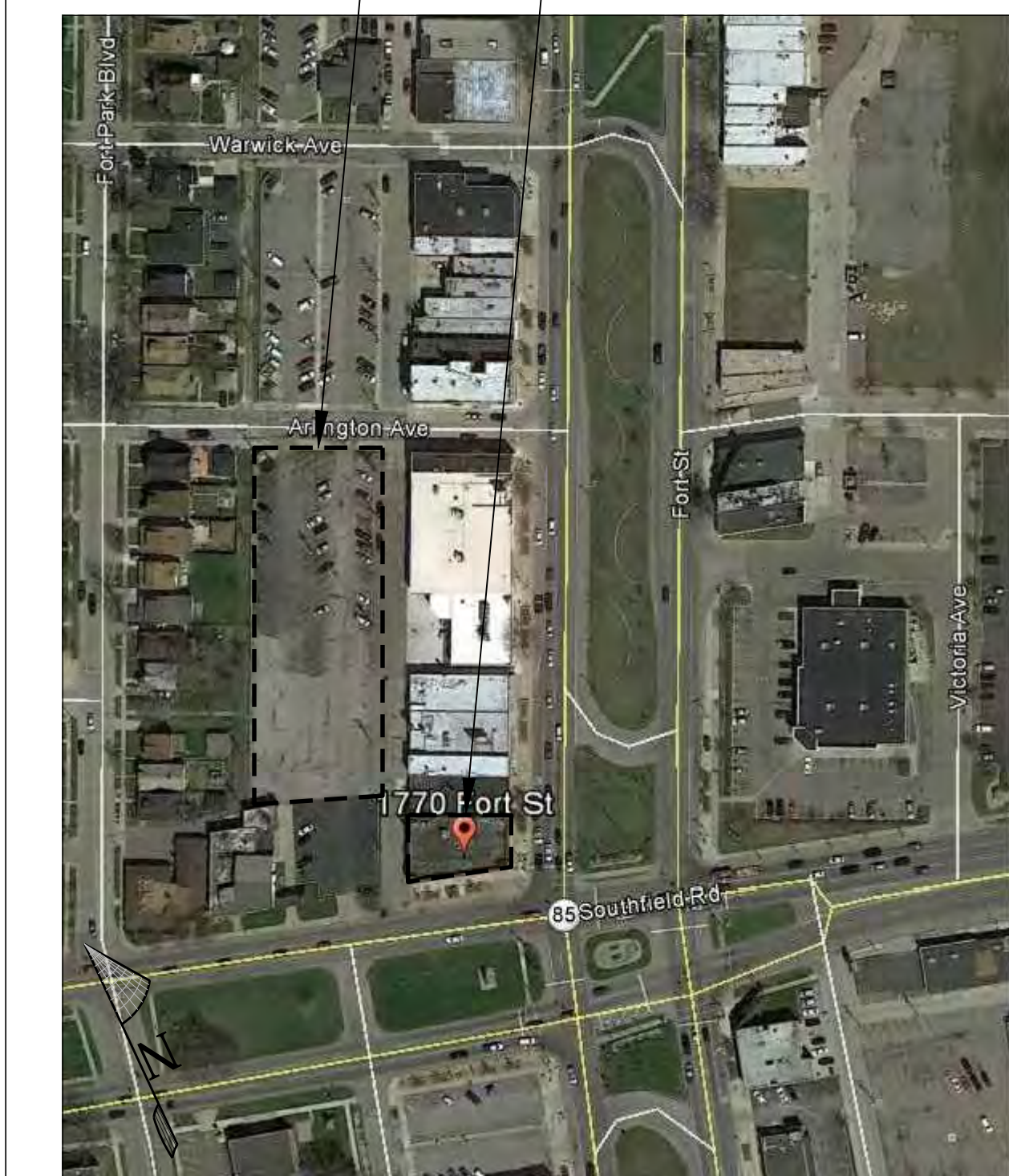
PROJECT #

DRAWING DIRECTION

DRAWING #

SHARED CITY PARKING

PROPOSED PROJECT LOCATION

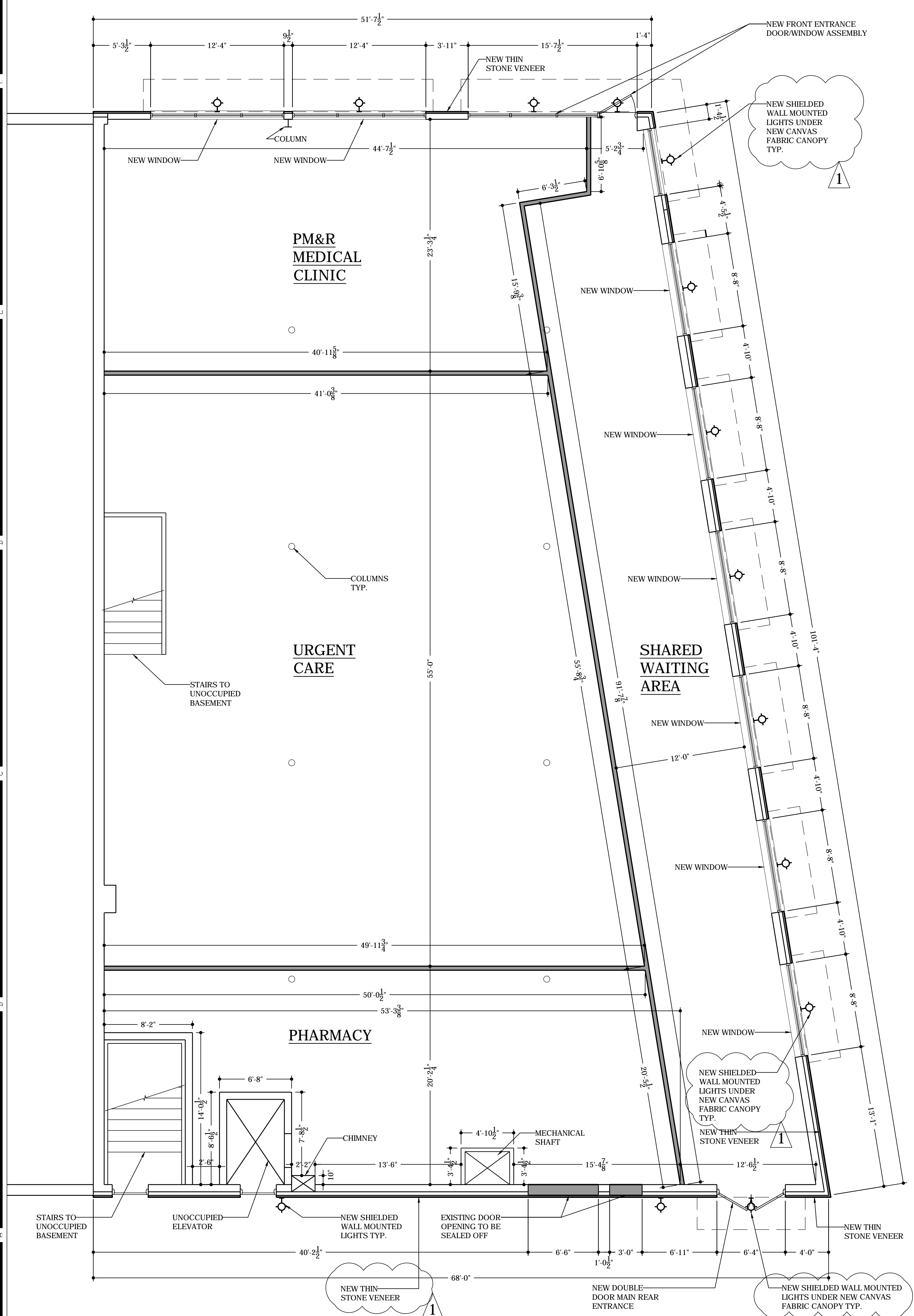


LOCATION MAP  
 N.T.S.

3A

T101





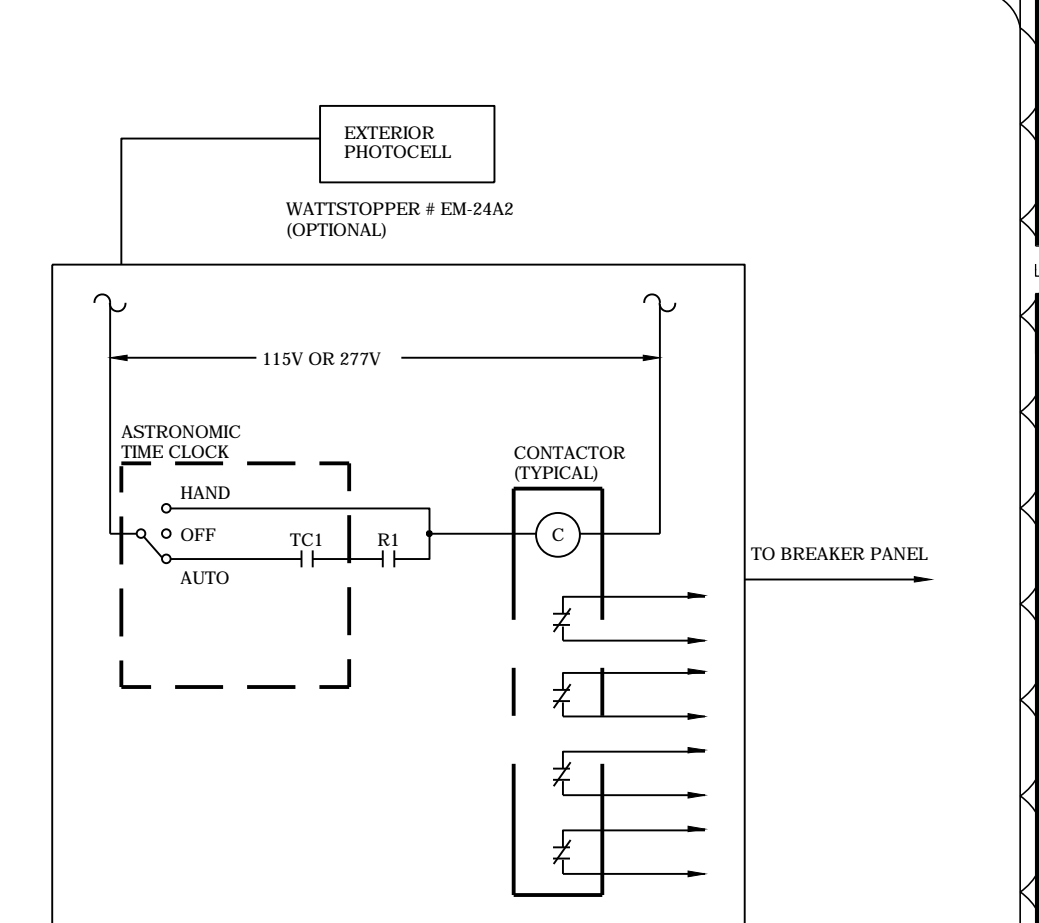
**PROPOSED - PRELIMINARY FLOOR PLAN (SPATIAL LAYOUT)**  
 SCALE: 3/16"=1'-0"  
 1A

**LUMINAIRE SCHEDULE**

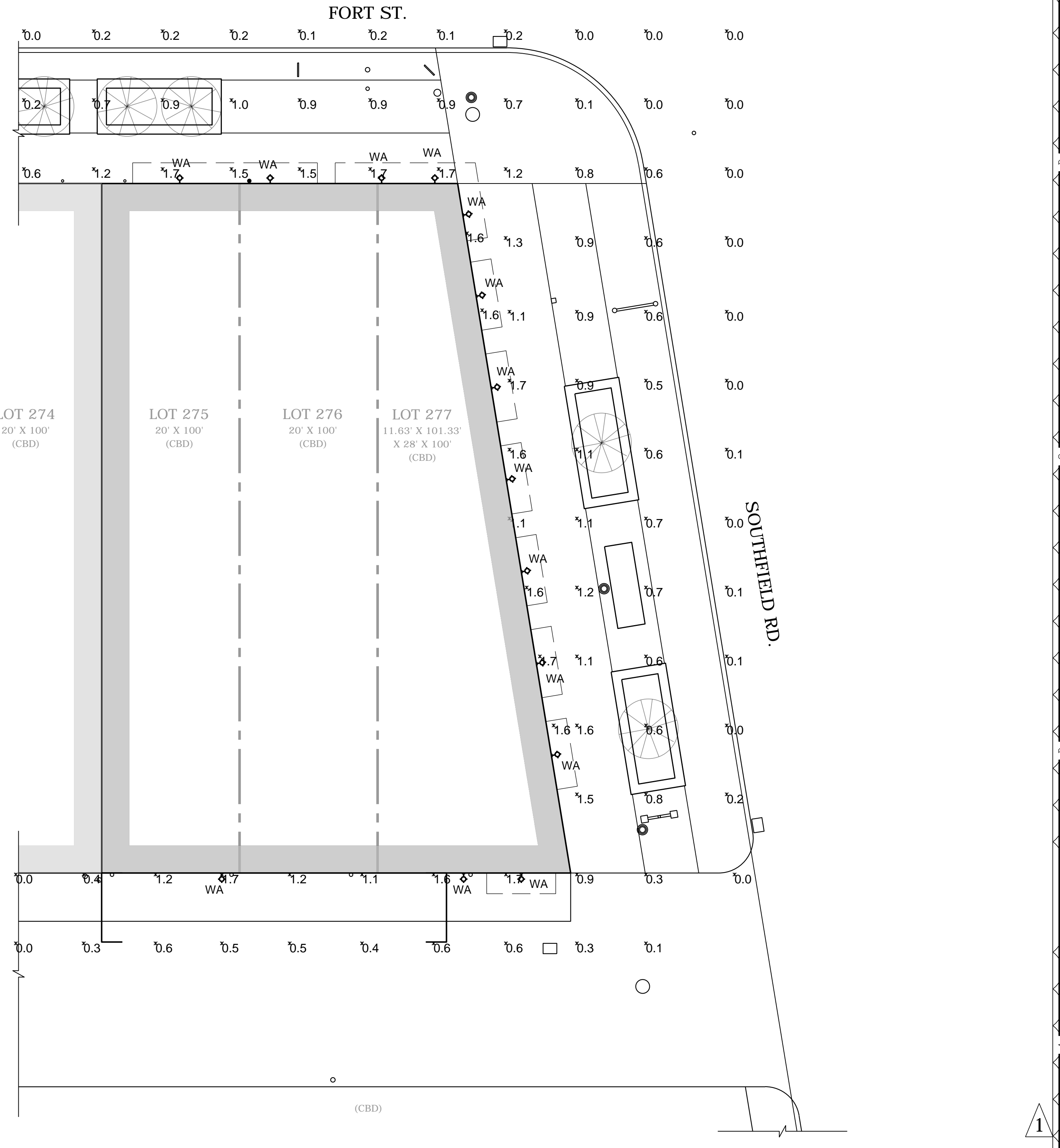
Symbol	Label	Qty	Catalog Number	Description	Lamp	File	Lumens	LLF	Watts
⊙	WA	14	HC-WPC-40 WATT	SM D 30 30			4357/4576		40

**STATISTICS**

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
VALUES AT GRADE	X	1.0 fc	1.7 fc	0.1 fc	17.1	1.0



NOTE:  
 XX - SPECIFY QUANTITY OF CONTACTOR  
 POLES REQUIRED (MULTIPLES OF 4)  
 VOLT = SPECIFY 115V OR 277V  
 CONTRACTOR TO SPECIFY NUMBER OF CIRCUITS REQUIRED  
**EXTERIOR LIGHTING CONTROL PANEL DIAGRAM**  
 NO SCALE



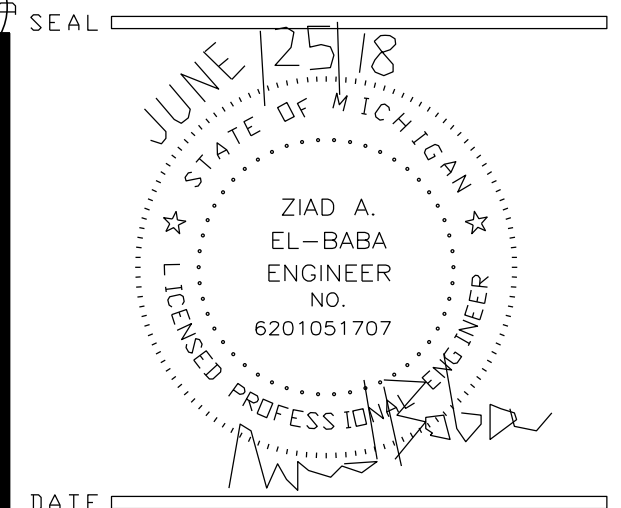
**PROPOSED - PHOTOMETRIC PLAN**  
 SCALE: 3/32"=1'-0"  
 5A

PROJECT / OWNER  
**GET WELL URGENT CARE - DOWNRIVER**  
 ADDRESS  
 1770 FORT ST  
 LINCOLN PARK, MI 48146  
 COMMISSION  
 COMMERCIAL RENOVATION



Phone: 313-492-5347  
 Fax: 313-429-3215  
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DATE  
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 SITE PLAN REVIEW  
 ISSUE  
 06.25.2018 SITE PLAN REVIEW REV.

WORK BY  
 PROJ. MGR. M. HADLA  
 PROJ. TEAM M. HADLA  
 Z. EL-BABA

CHECKED BY Z. EL-BABA

PAGE SIZE  
 ARCH D - 24X36  
 DRAWING TITLE  
**PROPOSED:**

- PRELIMINARY FLOOR PLAN (SPATIAL LAYOUT)
- PHOTOMETRIC PLAN

PROJECT #  
 DRAWING DIRECTION  
 DRAWING #

# GET WELL URGENT CARE - DOWNRIVER

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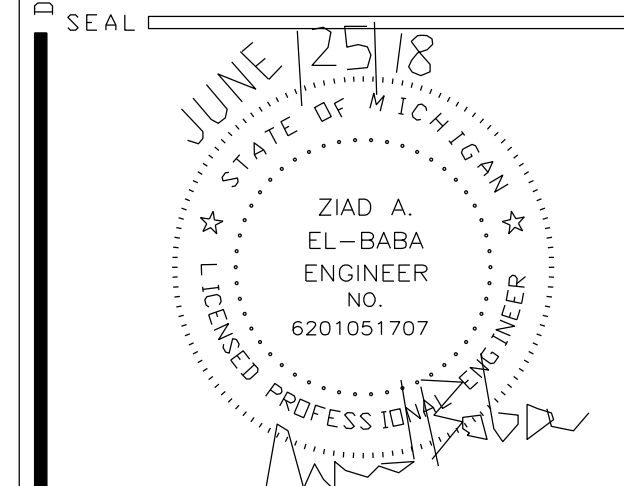
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Z. EL-BABA

CHECKED BY Z. EL-BABA

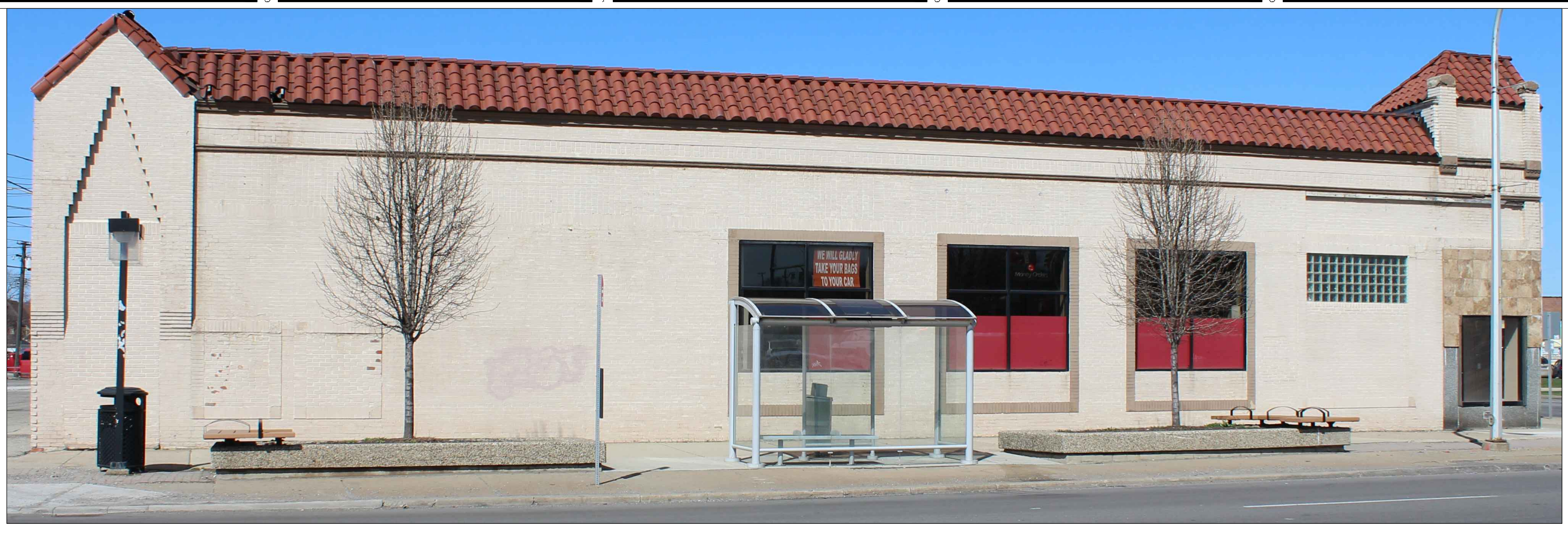
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ARCH D - 24X36  
DRAWING TITLE

EXISTING:  
• SOUTH ELEVATION (PHOTO)

PROPOSED:  
• SOUTH ELEVATION COLOR  
• SOUTH ELEVATION

PROJECT #  
DRAWING DIRECTION

DRAWING # A201



EXISTING - SOUTH ELEVATION (PHOTO)

SCALE: N.T.S.

1E



PROPOSED - SOUTH ELEVATION COLOR

SCALE: 1/4" = 1'-0"

1C



PROPOSED - SOUTH ELEVATION

SCALE: 1/4" = 1'-0"

1A

# GET WELL URGENT CARE - DOWNRIVER

ADDRESS  
1770 FORT ST  
LINCOLN PARK, MI 48146

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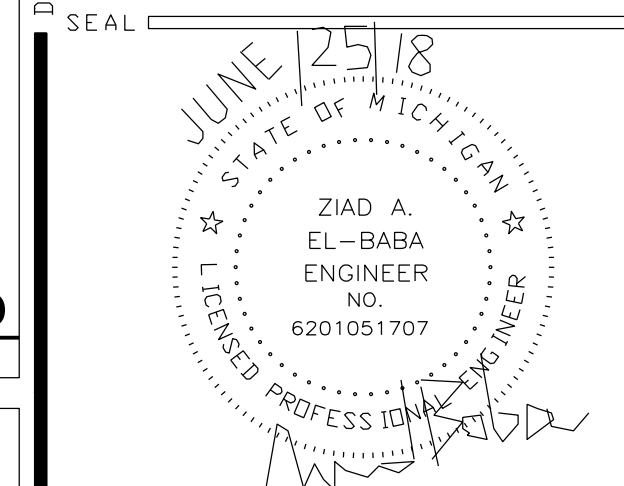
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ISSUE  
06.25.2018 SITE PLAN REVIEW REV.

WORK BY  
PROJ. MGR. M. HADLA  
PROJ. TEAM M. HADLA  
Z. EL-BABA

CHECKED BY Z. EL-BABA

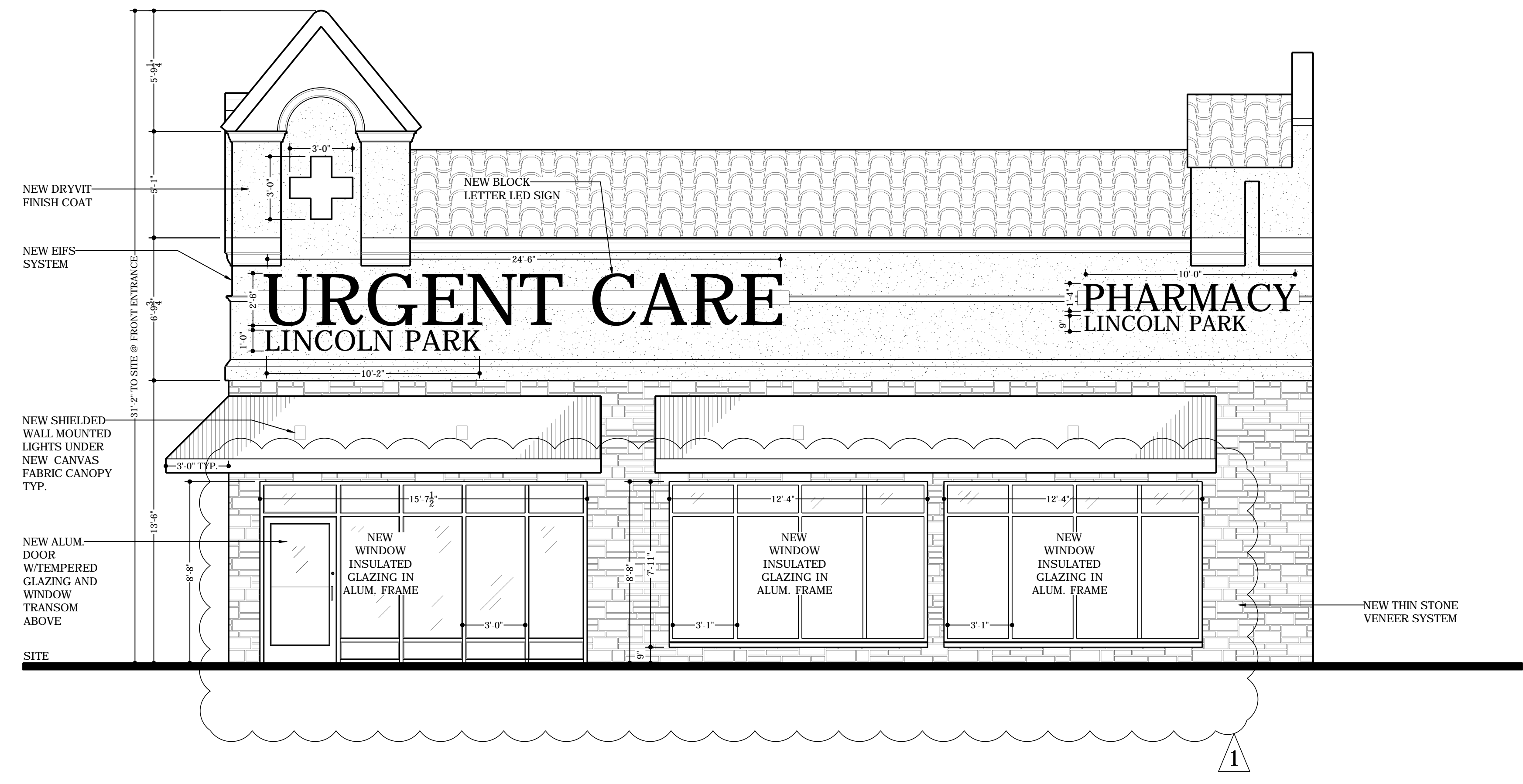
PAGE SIZE  
ARCH D - 24X36  
DRAWING TITLE

EXISTING:  
• WEST / EAST  
ELEVATIONS  
(PHOTOS)

PROPOSED:  
• WEST / EAST  
ELEVATIONS

PROJECT #  
DRAWING DIRECTION

DRAWING # A202



PROPOSED - EAST ELEVATION

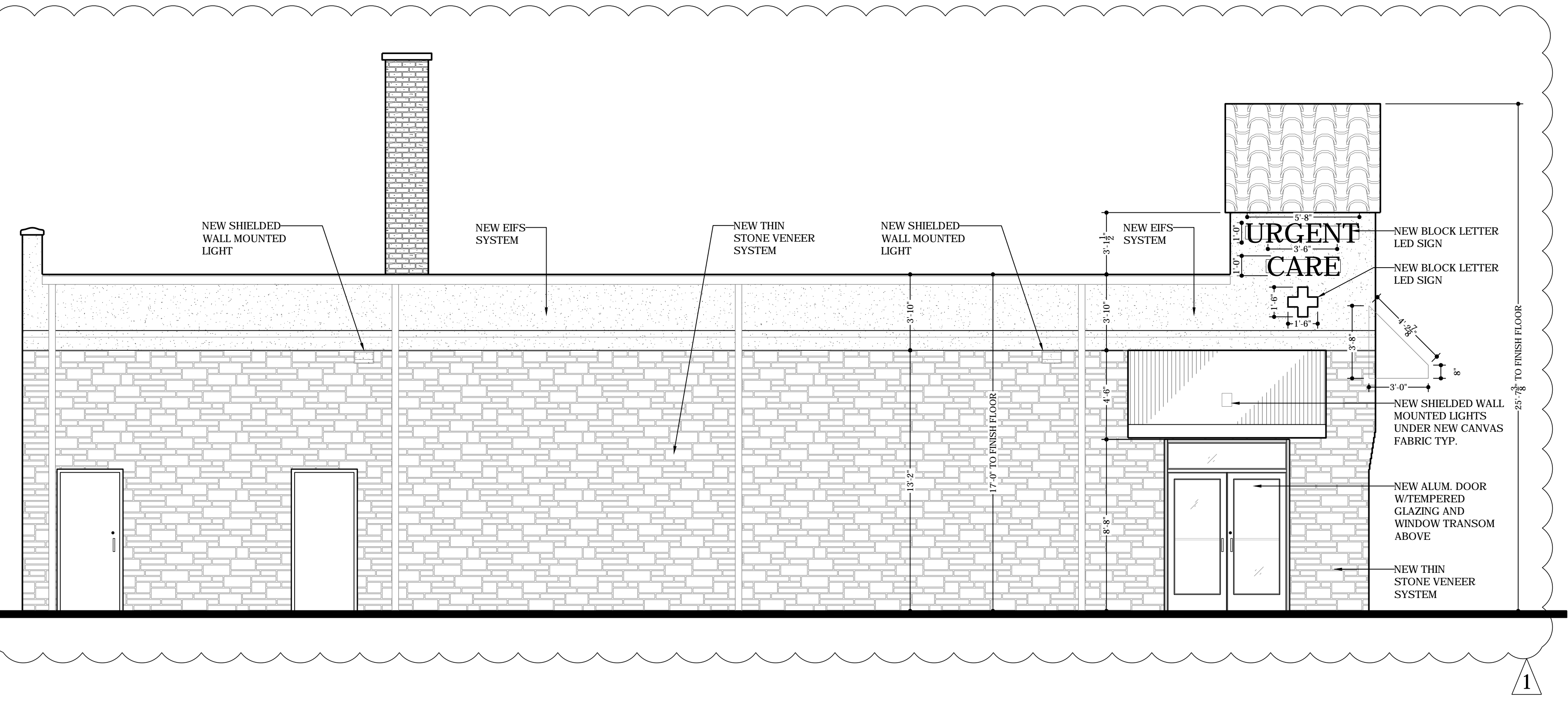
SCALE: 1/4"=1'-0"

1D

EXISTING - EAST ELEVATION (PHOTO)

SCALE: N.T.S.

6D



PROPOSED - WEST ELEVATION

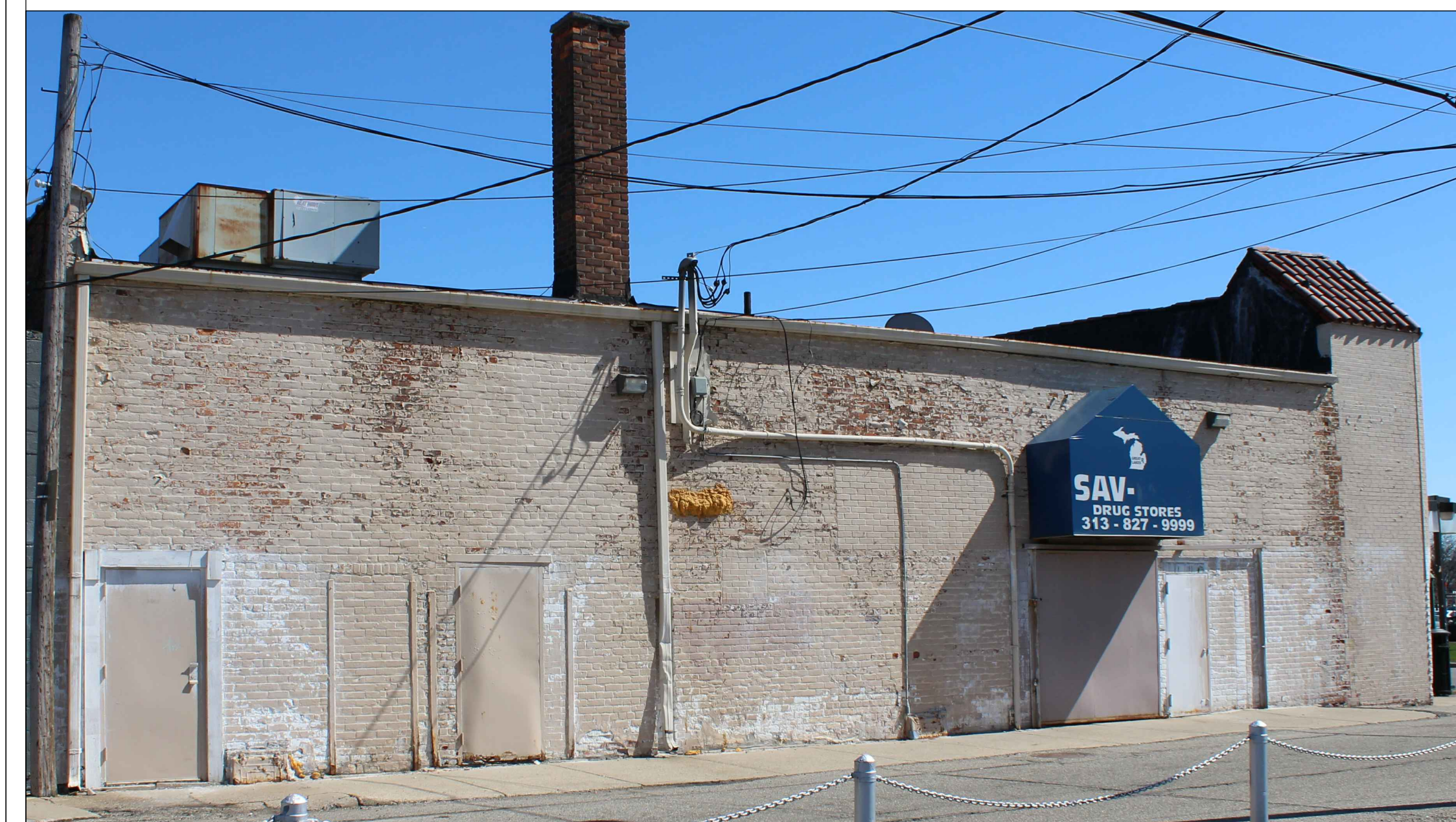
SCALE: 1/4"=1'-0"

1A

EXISTING - WEST ELEVATION (PHOTO)

SCALE: N.T.S.

6A



## Leah DuMouchel

---

**From:** Mohamad Hadla <mhadla@hadladesign.com>  
**Sent:** Monday, June 04, 2018 12:52 PM  
**To:** Leah DuMouchel  
**Cc:** nidalh5@hotmail.com; Giles Tucker; John Meyers; Laura Gray  
**Subject:** Re: Outstanding information for Site Plan Review Application at 1770 Fort St - Get Well Urgent Care

Leah,  
Please see my responses below.

- A schedule for completing the project, including the phasing or timing of all proposed developments.
  - **The contractor is working on this item, we will provide this to you shortly.**
- Exterior lighting locations and method of shielding lights from shining off the site. *I see that several new fixtures are proposed. For each fixture type, please submit the manufacturer's specification sheet. A photometric plan showing the light output along the perimeter of the property should also be included.*
  - **I will provide this to you shortly.**
- Location and description of all easements for public right-of-way, utilities, access, shared access, and drainage. *Please confirm that no easements exist on the property, or provide documentation for each easement that does exist.*
  - **No Easements exist on the property.**
- Listing of types and quantities of hazardous substances and polluting materials which will be used or stored on-site at the facility in quantities greater than twenty-five gallons per month. *Please confirm whether hazardous substances or polluting materials will be used or stored on-site at the facility in quantities greater than 25 gallons per month. If so, please address the next item also.*
  - **No hazardous substances or polluting materials will be used or stored on-site in quantities greater than 25 gallons per month.**
- Areas to be used for the storage, use, loading/unloading, recycling, or disposal of hazardous substances and polluting materials, including interior and exterior area.
  - **Hazardous substances and polluting materials will be stored in their own utility closet inside the urgent care, under lock and key in approved containers, and will be picked up monthly for disposal by a third party.**

Best Regards,  
Mohamad Hadla

## Hadla Design Architects

Architecture | Engineering | Construction

15244 Michigan Ave.

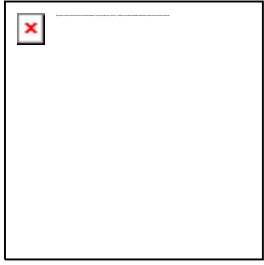
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[www.HadlaDesign.com](http://www.HadlaDesign.com)



*Ask + Listen + Design*

On Tue, May 29, 2018 at 11:28 AM, Leah DuMouchel <[ldumouchel@bria2.com](mailto:ldumouchel@bria2.com)> wrote:

Hello! I am in receipt of your proposed Site Plan and Application for Site Plan Review at 1770 Fort St. Overall, the application is substantially complete – thank you!

A few pieces of outstanding information remain to address, some of which are simply confirmations. They are:

- A schedule for completing the project, including the phasing or timing of all proposed developments.
- Exterior lighting locations and method of shielding lights from shining off the site. *I see that several new fixtures are proposed. For each fixture type, please submit the manufacturer's specification sheet. A photometric plan showing the light output along the perimeter of the property should also be included.*
- Location and description of all easements for public right-of-way, utilities, access, shared access, and drainage. *Please confirm that no easements exist on the property, or provide documentation for each easement that does exist.*
- Listing of types and quantities of hazardous substances and polluting materials which will be used or stored on-site at the facility in quantities greater than twenty-five gallons per month. *Please confirm whether hazardous substances or polluting materials will be used or stored on-site at the facility in quantities greater than 25 gallons per month. If so, please address the next item also.*
- Areas to be used for the storage, use, loading/unloading, recycling, or disposal of hazardous substances and polluting materials, including interior and exterior area.

Thank you! I have forwarded your site plan and application to the City's departments for review, and do anticipate having you on the Planning Commission agenda for June 13 barring unforeseen circumstances.

Leah DuMouchel, AICP

Senior Associate

**Beckett&Raeder, Inc.**  
*Making Great Places for over 50 Years*

[535 West William St Suite 101](#)  
[Ann Arbor, MI](#)

734.663.2622

Direct Line: 734.239.6616

Petoskey, MI 231.347.2523  
Traverse City, MI 231.933.8400  
Toledo, OH 419.242.3428

Please visit us at [www.bria2.com](http://www.bria2.com)

Case No. PPC18-0004

Date Submitted 5/15/18

City of Lincoln Park

APPLICATION FOR SITE PLAN REVIEW

NOTICE TO APPLICANT: Applications for Site Plan Review by the Planning Commission must be submitted to the City in substantially complete form at least thirty (30) days prior to the Planning Commission's meeting at which the proposal will be considered. The application must be accompanied by the data specified in the Zoning Ordinance and Site Plan Review Guidelines, including fully dimensioned site plans, plus the required review fees. Regular meetings of the Planning Commission are held on the second Wednesday of each month at 7:00 p.m. All meetings are held at the Lincoln Park City Hall, 1355 Southfield Road, Lincoln Park, Michigan 48146. Phone number (313) 386-1800; Fax (313) 386-2205.

TO BE COMPLETED BY APPLICANT:

I (we) the undersigned, do hereby respectfully request Site Plan Review and provide the following information to assist in the review:

Applicant: Nidal Hammond

Mailing Address: 23832 Southfield Rd - Southfield, MI 48075

Email: nidalh5@hotmail.com

Telephone: (313) 56-0763 ↑ five Fax: (248) 569-2615

Property Owner(s) Name (if different from Applicant): same as above

Mailing Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Applicant(s) Explanation of Legal Interest in Property: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Location of Property: Street Address: 1770 Fort, Lincoln Park, Mi., 48146

Nearest Cross Streets: Southfield Rd

Sidwell Number (Parcel ID#): 45 006 06 0275 000

Property Description:

If part of a recorded plat, provide lot numbers and subdivision name. If not part of a recorded plat (i.e., "acreage parcel"), provide metes and bounds description. Attach separate sheets if necessary.

ED275 276 277 LOTS 275 276 AND 277 ASSESSORS  
FORT SUPERHIGHWAY CUR NO. 8 PL 119 L63 P29 WCR

Property Size (Square Ft): 5,981 (Acres): \_\_\_\_\_

Existing Zoning (please check):

- SFRD Single Family Residential District
- MFRD Multiple Family Residential District
- MHRD Mobile Home Park District
- NBD Neighborhood Business District
- MBD Municipal Business District
- PUD Planned Unit Development District

- RBD Regional Business District
- CBD Central Business District
- GID General Industrial District
- LID Light Industrial District
- CSD Community Service District

Present Use of Property: Unoccupied (was pharmacy before)

Proposed Use of Property: Medical Clinic / Pharmacy

Please Complete the Following Chart:

Type of Development	Number of Units	Gross Floor Area	Number of Employees on Largest Shift
Detached Single Family			
Attached Residential			
Office			
Commercial			
Industrial			
Other (Medical/Pharm)		5981 SF	9

Professionals Who Prepared Plans:

A. Name: Mohammad Hadla  
 Mailing Address: 15244 Michigan Ave., Dearborn, Mi., 48126

Email Address: Mhadla@HadlaDesign.com  
 Telephone: 313-432-5347 Fax: 313-908-7645 Primary Design Responsibility: Arch. Design

B. Name: Ziad El-Babu  
 Mailing: 674 Gauthier, Tecumseh, Ontario, N8N3P8, Canada Address: \_\_\_\_\_  
 Email \_\_\_\_\_

Email Address: Zelbaba@Cogeco.ca  
 Telephone: 313-938-8767 Fax: 514-979-3535 Primary Design Responsibility: Engineering

C. Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Email Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ Primary Design Responsibility: \_\_\_\_\_



# Property Transfer Affidavit

This form is issued under authority of P.A. 415 of 1994. Filing is mandatory.

This form must be filed whenever real estate or some types of personal property are transferred (even if you are not recording a deed). The completed Affidavit must be filed by the new owner with the assessor for the city or township where the property is located within 45 days of the transfer. The information on this form is NOT CONFIDENTIAL.

1. Street Address of Property <b>1770 Fort St.</b>		2. County <b>Wayne</b>	3. Date of Transfer (or land contract signed) <b>2/7/2018</b>
4. Location of Real Estate (Check appropriate field and enter name in the space below.) <input checked="" type="checkbox"/> City <input type="checkbox"/> Township <input type="checkbox"/> Village <b>Lincoln Park</b>		5. Purchase Price of Real Estate <b>600,000 -</b>	
7. Property Identification Number (PIN). If you don't have a PIN, attach legal description. <b>45-006-06-0275-000</b>		6. Seller's (Transferor) Name <b>Aidan Mgmt LLC</b>	
8. Buyer's (Transferee) Name and Mailing Address <b>Hoover Medical Center LLC 26000 Hoover Rd. Warren MI</b>		9. Buyer's (Transferee) Telephone Number <b>313 516-0763 48089</b>	

Items 10 - 15 are optional. However, by completing them you may avoid further correspondence.

10. Type of Transfer. <b>Transfers</b> include, but are not limited to, deeds, land contracts, transfers involving trusts or wills, certain long-term leases and business interest. See page 2 for list. <input type="checkbox"/> Land Contract <input type="checkbox"/> Lease <input checked="" type="checkbox"/> Deed <input type="checkbox"/> Other (specify) _____			
11. Was property purchased from a financial institution? <input type="checkbox"/> Yes <input type="checkbox"/> No		12. Is the transfer between related persons? <input type="checkbox"/> Yes <input type="checkbox"/> No	
13. Amount of Down Payment		15. Amount Financed (Borrowed)	

## EXEMPTIONS

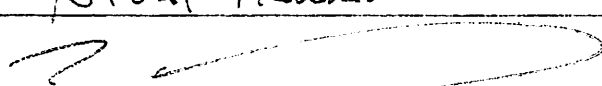
Certain types of transfers are exempt from uncapping. If you believe this transfer is exempt, indicate below the type of exemption you are claiming. If you claim an exemption, your assessor may request more information to support your claim.

- Transfer from one spouse to the other spouse
- Change in ownership solely to exclude or include a spouse
- Transfer between certain family members \*(see page 2)
- Transfer of that portion of a property subject to a life lease or life estate (until the life lease or life estate expires)
- Transfer between certain family members of that portion of a property after the expiration or termination of a life estate or life lease retained by transferor \*\* (see page 2)
- Transfer to effect the foreclosure or forfeiture of real property
- Transfer by redemption from a tax sale
- Transfer into a trust where the settlor or the settlor's spouse conveys property to the trust and is also the sole beneficiary of the trust
- Transfer resulting from a court order unless the order specifies a monetary payment
- Transfer creating or ending a joint tenancy if at least one person is an original owner of the property (or his/her spouse)
- Transfer to establish or release a security interest (collateral)
- Transfer of real estate through normal public trading of stock
- Transfer between entities under common control or among members of an affiliated group
- Transfer resulting from transactions that qualify as a tax-free reorganization under Section 368 of the Internal Revenue Code.
- Transfer of qualified agricultural property when the property remains qualified agricultural property and affidavit has been filed.
- Transfer of qualified forest property when the property remains qualified forest property and affidavit has been filed.
- Transfer of land with qualified conservation easement (land only - not improvements)
- Other, specify: \_\_\_\_\_

**RECEIVED**  
MAY 15 2018  
CITY OF LINCOLN PARK  
ASSESSOR'S OFFICE

## CERTIFICATION

I certify that the information above is true and complete to the best of my knowledge.

Printed Name <b>Nicol Hennon</b>		Date <b>5/15/18</b>
Signature 		
Name and title, if signer is other than the owner	Daytime Phone Number	E-mail Address

City of Lincoln Park Planning and Development

## Off-Street Parking Exemptions: Proposed Changes

July 11, 2018

§1290.01(m) of the Lincoln Park Zoning Code describes six areas which are exempt from parking requirements due to their proximity to shared municipal parking facilities. However, the descriptions provided use plat and lot numbers to identify the parcels, and Beckett & Raeder, Inc. has been unable to locate an existing spatial representation of the exempt areas to use in applying the ordinance. Therefore, the team used the plat book and existing spatial information to correlate the plat and lot numbers with the parcels as they are defined in the City today, and to generate a GIS layer showing the exempt parcels.

In the course of this research, a few text changes were identified as required to either correct inaccurate information, or to align the ordinance with current conditions in the City. These changes are presented here.

- (m) Exemptions. All uses located within designated areas containing Municipal off-street parking facilities are exempt from the requirements in this chapter. Exempt parking areas containing such Municipal off-street parking facilities are shown on an illustration entitled “Exempt Parking Areas,” on file in the office of the City Clerk, and more specifically described as follows:
- (1) Area A includes all land within an area from a point of beginning at the centerline of Southfield Road and West Electric Avenue ~~northwest~~**northeast** to the centerline of O'Connor Avenue; thence northwest to the centerline of Fort Street; thence northeast to the centerline of Euclid Avenue; thence northwest approximately two-hundred (200) feet to the centerline of the alley; thence southwest to the centerline of O'Connor Avenue; thence northwest to the alley located approximately three-hundred twenty-five (325) feet from the centerline of Fort Street; thence southwest to the southerly line of Lot 65 of Elmwood Park Subdivision; thence westerly along such line to the centerline of Fort Park Boulevard; thence southwest to the centerline of Southfield Road; thence east-southeast to the point of beginning.
  - (2) Area B includes the land area formed by Lots 96 through 100, the ~~easterly twenty nine (29) feet of alley~~ **northeast of** Lot 112 and Lot 113 in the Lincoln Park Subdivision No. 1; and Lots 116 through 118 ~~and Lot 126~~ in the Main Fort Street Subdivision No. 2.
  - (3) Area C includes the land area formed by Lots 7 through 12 and Lots 52 through 117 of the Elmwood Manor Subdivision.
  - (4) Area D includes the land area formed by Lots 257 through 275 of the Washington Park Subdivision; Lots 231 through 234, Lots 292 through 295 and Lots 315 through 327 of the Parkhurst No. 1 Subdivision, including the vacated abutting street; and that portion of Chandler Avenue having been vacated south of London Avenue.
  - (5) Area E includes the land area formed by Lots 44 through 50 of the Frederick-Roberts-McKenney Realty Company's Subdivision; Lots 43 through 49 of the Homeville Subdivision; Lots 46 through 52 of the Robinwood Subdivision; and the ~~properties~~ **alley and adjacent parking area** north of such described properties for an ~~approximate~~ **distance** of forty ~~nine five (495)~~ **feet** ~~more or less~~ **from the edge of the parcel line**.

- (6) Area F includes the land area at the point of beginning along Euclid Avenue one-hundred forty-three (143) feet; thence southwest seven-hundred ninety-five (795) feet more or less to the southerly boundary line of Quandt Park; thence ninety (90) degrees southeast to the centerline of Dix Avenue; thence northeast along the centerline of Dix Avenue to the point of beginning.

City of Lincoln Park Planning and Development  
**Planning Commission Bylaws**

*July 11, 2018*

**Article 1 Title**

**Section 1** The name shall be the City of Lincoln Park Planning Commission, hereafter known as the "Commission".

**Section 2** These Bylaws are adopted by the Commission to facilitate the performance of its duties as outlined in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, (M.C.L. 125.3801 *et seq.*), hereinafter "the Planning Act."

**Section 3** These Bylaws are also adopted to facilitate the duties of the Commission for administration of a zoning ordinance as outlined in P.A. 110 of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 *et seq.*), hereinafter "the Zoning Act."

**Article 2 Membership; Appointments; Terms**

1. The City of Lincoln Park Planning Commission shall have nine (9) members. (Section 1220.02)
2. A member must be 18 years or older.
3. Each member shall represent and advocate what is best for the City of Lincoln Park as a whole, putting aside personal or special interests.
4. Planning Commission members shall be qualified electors of the City. The membership of the Planning Commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the City, in accordance with the major interests as they exist in the City, such as natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire territory of the City to the extent practicable. (1220.03)
5. The Mayor, with the approval of the City Council by a majority vote of the members elected and serving, shall appoint all Planning Commission members, including the ex officio member. (1220.03)
6. One (1) member of the City Council shall be appointed to the Planning Commission as an ex officio member. (1220.03)
7. An ex officio member has full voting rights. An ex officio member's term on the Planning Commission shall expire with his or her term on the City Council. (1220.03)

8. No other elected officer or employee of the City is eligible to be a member of the Planning Commission. (1220.03)
9. Only Planning Commissioners can vote, introduce motions, initiate any other parliamentary action, be counted for a quorum, or be expected to comply with the attendance requirements.
10. Newly appointed Commission members shall be provided with a copy of the Zoning Ordinance and these Bylaws.
11. The Planning Commission members, other than an ex officio member, shall serve for terms of three (3) years each. (1220.03)
12. A Planning Commission member shall hold office until his or her successor is appointed. Vacancies shall be filled for the unexpired term in the same manner as the original appointment. (1220.03)
13. Members serve without compensation.
14. Planning Commissioners' terms of service shall be staggered.
15. If any member of the Commission is absent from three consecutive regularly scheduled meetings without notifying the Chairperson prior, then that member shall be considered delinquent. Delinquency shall be grounds for the City Council to remove a member from the Commission for nonperformance of duty, or misconduct, after holding a public hearing on the matter. The Commission secretary, or acting secretary in the absence of the elected secretary, shall keep attendance records and shall notify the City Council whenever any member of the Commission is absent from three consecutive regularly scheduled meetings, so the City Council can consider further action allowed under law or excuse the absences.
16. The City Manager and the Planning Commission Chair shall be consulted prior to an appointment for their recommendations of Planning Commissioners.
17. The budget shall ensure that all planning commissioners, zoning board of appeals members, and members of the board of review annually receive proper training to assist them in the fulfillment of their roles and responsibilities and remove members who fail to receive adequate training.
18. Reappointment to the Commission shall be based upon individual interest in Commission affairs, rate of absenteeism, and individual contribution.

### **Article 3      Conflict of Interest**

1. Each member of the Commission shall avoid conflicts of interest and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
  - a. Issuing, deliberating on, voting on, or reviewing a case concerning him or her.
  - b. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him or her or which is adjacent to land owned by him or her.
  - c. Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company,

- partnership, or any other entity in which he or she is a part owner, or any other relationship where he or she may stand to have a financial gain or loss.
- d. Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to him or her.
  - e. Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is:
    - i. an applicant or agent for an applicant, or
    - ii. has a direct interest in the outcome.
2. If there is a question whether a conflict of interest exists or not, the question shall be put before the Commission. Whether a conflict of interest exists or not shall be determined by a majority vote of the remaining members of the Commission.
  3. When a conflict of interest exists, the member of the Commission, or committee, shall do all of the following immediately, upon first knowledge of the case and determining that a conflict exists:
    - a. declare a conflict exists at the next meeting of the Commission or committee
    - b. cease to participate at the Commission or committee meetings, or in any other manner, or represent oneself before the Commission, its staff, or others, and
    - c. during deliberation of the agenda item before the Commission or committee, leave the meeting or remove one's self from the front table where members of the Commission sit, until that agenda item is concluded.
  4. Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office.
  5. If a member of the Commission is appointed to another office, which is an incompatible office with his or her membership on the Commission, then on the effective date of the appointment to the other office, that shall result in an automatic resignation from the Commission. If a member of another office is appointed to the Commission, which is an incompatible office with his or her membership in the other office, then on the effective date of the appointment to the Commission, that shall result in an automatic resignation from the other office.

#### **Article 4 Duties of all Members**

1. Members shall avoid Ex Parte contact about cases where a decision is before the commission whenever possible.
2. Despite one's best efforts, it is sometimes not possible to avoid Ex Parte contact. When that happens, the member should take detailed notes on what was said and report to the Commission at a public meeting or hearing what was said, so that every member and other interested parties are made aware of what was said.
3. Gifts shall not be accepted by a member of the Commission connected with an agenda item before the Commission. As used here, "gifts" shall mean cash; any tangible item or service, regardless of value; and food valued over \$10. This section does not apply to the Commission accepting gifts for the exercise

of its functions pursuant to M.C.L. 125.3823(3), §23(3) of the Planning Act.

4. Once a vote is taken and an issue is decided by vote, the duty of each member of the Commission is to represent the position reflected by the outcome of the vote. Minority reports and requests for reconsideration may take place only at an open meeting of the Commission.
5. Planning Commission members are expected to speak to each other, City staff, and the public respectfully, in ways that are non-discriminatory and do not create a hostile work environment.
6. Failure to comply with the aforementioned duties is grounds for removal from the Planning Commission.

## **Article 5 Removal from Commission**

1. The legislative body may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing (1220.04).
2. The Planning Commission Chair, or a majority of the Planning Commission, may initiate the process for removing a commissioner on charges of misfeasance, malfeasance, or nonfeasance. The commissioner must be officially notified in writing. When the charge is brought to the Commission, and after reasonable deliberation, the Planning Commission may vote on whether to remove the commissioner in question. A two-thirds majority is necessary to bring the charge to City Council who will hold the public hearing to determine the final outcome.

## **Article 7 Officers; Officer's Duties**

1. The Planning Commission shall elect a chairperson, vice-chairperson and a secretary from its members, and may create and fill other offices as it considers advisable. An ex officio member of the Planning Commission is not eligible to serve as chairperson. The term of each office shall be one (1) year, with opportunity for reelection as specified in the Planning Commission bylaws. (1220.06)
2. A candidate receiving a majority vote from the entire membership of the Commission shall be declared elected and shall serve for one year or until his or her successor takes office.
3. In the event the office of the Chair becomes vacant, the Vice-Chair shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of Vice-Chair for the unexpired term. In the event the office of the Secretary becomes vacant, the Commission shall select a successor to the office of Secretary in the manner prescribed in Article 7, Section 1. The Commission or Secretary may also designate another person who is not a member of the Commission to be the recording secretary.
4. The Chair, Vice-Chair, and Secretary shall take office at the next meeting following their selection and shall hold office for a term of one year or until their successors are selected and assume office.
5. Chair's Duties. The Chair retains his or her ability to discuss, make motions, and vote on issues before the Commission. The Chair shall:
  - a. Preside at all meetings with all powers under parliamentary procedure;

- b. Shall rule out of order any irrelevant remarks; remarks which are personal; remarks about another's race, religion, sex, physical condition, ethnic background, beliefs, or similar topics; profanity; or other remarks which are not about the topic before the Commission;
  - c. Appoint committees as deemed appropriate; committees comprised of Commission members shall not exceed four (4) people;
  - d. May call special meetings;
  - e. Act as an Ex-Officio member of all committees of the Commission;
  - f. Appoint an Acting-Secretary in the event the Secretary is absent from a Commission meeting;
  - g. Represent the Commission, along with the City Council Commission member, before the City; Council;
  - h. Perform such other duties as may be ordered by the Commission
6. Vice Chair's Duties. The Vice Chair shall:
- a. Act in the capacity of Chair, with all the same powers and duties in the Chair's absence;
  - b. Perform such other duties as may be ordered by the Commission.
7. Secretary's Duties. The Secretary shall:
- a. Execute documents in the name of the Commission;
  - b. Be responsible for the minutes of each meeting, if there is not a recording secretary;
  - c. Review the draft of the minutes, sign them, and submit them for approval to the Commission and shall have them spread in suitable volumes. Copies of minutes shall be distributed to each member of the Commission prior to the next meeting of the Commission (the Secretary may delegate this duty to Commission staff);
  - d. Receive all communications, petitions, and reports to be addressed by the Commission, delivered or mailed to the Secretary in care of the Planning Department Office;
  - e. Keep attendance records;
  - f. Provide notice to the public and members of the Commission for all regular and special meetings, pursuant to the Open Meetings Act, P.A. 267 of 1976, as amended, M.C.L. 15.261 *et seq.*;
  - g. Prepare an agenda for Commission meetings;
  - h. Perform such other duties as may be ordered by the Commission
- With the exception of task (a), all of the duties listed may also be performed by Commission staff.
8. Recording Secretary's Duties. The Recording Secretary shall not be a member of the Commission or any of its committees, and shall:
- a. At each meeting, take notes for minutes and prepare a first draft of minutes for review and signature by the Secretary



## Article 7 Meetings

1. Regular meetings. Meetings of the Commission will be held the 2<sup>nd</sup> Wednesday of every month at 7 p.m. at 1355 Southfield Road, unless otherwise specified by the Commission. When the regular meeting day falls on a legal holiday, the Commission shall select a suitable alternate day in the same month. An annual notice or regularly scheduled Commission meetings shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 *et seq.*)
2. Special meetings. All meetings of the Commission shall be open to the public in accordance with Act 267 of the Public Acts of 1976 (Open Meetings Act). The notice of such a meeting shall specify the purposes of such a meeting and no other business may be considered except by unanimous consent of the Commission.
  - a. A special meeting of the Planning Commission may be called by the chairperson or by three (3) members of the Commission, upon written request to the secretary. The secretary shall send written notice of a special meeting to Planning Commission members at least forty-eight (48) hours before the meeting (1220.07).
3. Quorum. More than half the total number of seats for members of the Commission, regardless if vacancies exist or not, shall constitute a quorum for the transaction of business and the taking of official action for all matters before the Commission. Whenever a quorum is not present at a regular or special meeting, those present shall adjourn the meeting to another day.
4. The business that the Planning Commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, as amended (M.C.L.A. 15.261 *et seq.*) (1220.07).
5. Motions shall be restated by the Chair before a vote is taken.
6. The order of business for a regular meeting is subject to change by the Chairperson's discretion, but shall follow the order below:
  - a. Call to order by Chairperson or Vice-Chairperson
  - b. Roll call
  - c. Determination of quorum
  - d. Approval of previous meeting's minutes
  - e. Approval of agenda
  - f. Old Business
  - g. New Business
  - h. Policy review and discussion
  - i. Reports from other departments
  - j. Public comment
  - k. Adjournment
7. Any rule of procedure shall be governed by Robert's Rules of Order unless otherwise identified in this article.

8. Delivery of the agenda and accompanying materials shall be mailed to Commission members so it is reasonably expected to be received prior to the regular meeting date. Electronic delivery shall also be made available, and may, at the individual Commissioner's preference, be the sole method of delivery.
9. Voting shall be by voice and shall be recorded as passing or failing. Roll call votes will be recorded only upon request by a member of the Commission and shall be recorded by "yes" or "no". Members must be present to cast a vote. Voting by proxy shall not occur. The affirmative vote of a majority of those present or a majority of a quorum, whichever is greater, shall be necessary for the adoption of motions. The affirmative vote of a majority of the total number of seats for members of the Commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any plan or amendment to a plan.
10. Action by the Commission on any matter on which a hearing is held shall not be taken until the hearing has been concluded.
11. Public participation. All regular and special meetings, hearings, records, and accounts shall be open to the public.
12. Public Hearings. Before the adoption of any part of a plan, as defined in the Planning Act, or any amendment to a plan, or recommending approval of an amendment to the legislative body, the Commission shall hold a public hearing on the matter. Notice of the time and place of the hearing shall be given, not less than 15 days prior to such hearing, by at least one publication in a newspaper of general circulation.
  - a. The Chairperson shall open hearings to the public after giving the petitioner an opportunity to be heard. After the public has had a reasonable opportunity to be heard, the Chairperson shall close the hearing on each petition. If a member of the Commission desires further information, they may, with the approval of the Chairperson or the approval of a majority of the members of the Commission present, ask additional questions of members of the public, or the petitioner.

## **Article 8 Record**

1. The Planning Commission shall keep a public record of its resolutions, transactions, findings, and determinations. A writing prepared, owned, used, in the possession of, or retained by the Planning Commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976, as amended (M.C.L.A. 15.231 et seq.) (1220.07).
2. Minutes and Record. The Commission Secretary shall keep, or cause to be kept, a record of Commission meetings, which, shall at a minimum include an indication of the following:
  - a. Copy of the meeting posting pursuant to P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act, M.C.L. 15.261 et seq.)
  - b. Copy of the minutes, and all its attachments which shall include a summary of the meeting,

in chronological sequence of occurrence:

- a. Time and place the meeting was called to order.
- b. Attendance.
- c. Indication of others present (listing names if others choose to sign in and/or a count of those present).
- d. Summary or text of points of all reports (including reports of what was seen and discussed at a site inspection) given at the meeting, and who gave the report and in what capacity. An alternative is to attach a copy of the report if offered in writing.
- e. Summary of all points made in public participation or at a hearing by the applicant, officials, and guests and an indication of who made the comments. An alternative is to attach a copy of the public's statement, petition, or letter if it is provided in written form.
- f. Full text of all motions introduced, whether seconded or not, who made the motion and who seconded the motion. For each motion, the following should be included:
  - i. Who testified and a summary of what was said
  - ii. A statement of what is being approved (e.g. special use permit, variance, conditional use permit, subdivision, land division, etc.)
  - iii. The location of the property involved (tax parcel number and description, legal description is best).
  - iv. What exhibits were submitted
  - v. What evidence was considered
  - vi. The administrative body's findings of fact
  - vii. Reasons for the decision made
  - viii. The decision
  - ix. A list of all required improvements, if any
  - x. List of all changes to the map/drawing/site plan that was submitted.
  - xi. Make the map/drawing/site plan part of the motion
- g. Who called the question.
- h. The type of vote and its outcome.
- i. That a person making a motion withdrew it from consideration.
- j. All the Chair's rulings.
- k. All challenges, discussion and vote/outcome on a Chair's ruling.
- l. All parliamentary inquiries or point of order.
- m. When a voting member enters or leaves the meeting.
- n. When a voting member or staff member has a conflict of interest and when the voting member ceases and resumes participation in discussion, voting and deliberations at a

- meeting.
- o. All calls for an attendance count, the attendance, and ruling if a quorum exists or not.
  - p. The start and end of each recess.
  - q. All Chair's rulings of discussion being out of order.
  - r. Full text of any resolutions offered.
  - s. Summary of announcements.
  - t. Summary of informal actions, or agreement on consensus.
  - u. Time of adjournment.
3. Retention. Commission records shall be preserved and kept on file according to the following schedule:
- a. Minutes, bonds, oaths of officials, zoning ordinances, master or compressive plans, other records of decisions, Commission or department publications: Permanent.
  - b. General ledger: 20 years.
  - c. Account journals: 10 years.
  - d. Bills and/or invoices, receipts, purchase orders, vouchers: 7 years.
  - e. Correspondence: Permanent.

## **Article 9 Staff and Consultants**

The Commission may employ the City of Lincoln Park staff, citizens, or professional planning consultants who shall hold office at the will and pleasure of the Commission, with approval of the City Council. The Staff members shall provide general direction of the Commission's work. They shall work and advise various committees named by the Commission. They shall have such other powers and duties as may be delegated to them by the Commission.

## **Article 11 Committees**

The Planning Commission may also appoint advisory committees whose members are not members of the Planning Commission (1220.06).

## **Article 12 Zoning Responsibilities**

The City Council hereby confirms the transfer of all powers, duties, and responsibilities provided for zoning boards or zoning commissions by the former City and Village Zoning Act, Public Act 207 of 1921 (M.C.L.A. 125.581 et seq.); the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended (M.C.L.A. 125.3101 et seq.); or other applicable zoning statutes to the City of Lincoln Park Planning Commission formerly established under the Municipal Planning Act, Public Act 285 of 1931 (M.C.L.A. 125.31 et seq.) (1220.10).

### **Article 13 Annual Reports**

1. The Planning Commission shall make an annual written report to the City Council concerning its operations and the status of the planning activities, including recommendations regarding actions by the City Council related to planning and development. The City Manager shall prepare the Capital Improvements Program Plan (1220.08).
2. As a part of the Annual Report, a work plan may be formulated and adopted by March 31 with the purpose of outlining and implementing the year's planning initiatives.
3. Develop and maintain by April 1 of each year a rolling six-year Capital Improvements Plan (CIP), in coordination with the City Planning Commission and ensure that the CIP is prepared annually in accordance with applicable law. The CIP, and any subsequent amendments, is subject to approval by the Board.

### **Article 13 Amendments**

These By-Laws and Rules of Procedure may be changed, or added to, by the affirmative vote of five (5) members of the Commission, by resolution, at any regular or special meeting called for that purpose.

### **Article 14 Adoption**

These Bylaws were adopted [date] and will take immediate effect and supersede all previous bylaws or Commission practices.